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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

[FCA Order 444]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORITY OF DEPUTY GOVERNOR AND OTHER OFFICIALS TO ACT IN THE ABSENCE OF THE GOVERNOR¹

Section 3.1 of Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 3.1 *Authority of Deputy Governor and other officials to act in the absence of the Governor* (a) J. E. Wells, Jr., Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor is unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

(b) One of the four commissioners or one of the deputy commissioners in the Farm Credit Administration who is designated by the Governor for such purpose is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Wells are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

(E. O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m) sec. 80; 48 Stat. 273, 12 U. S. C. 638)

Dated: January 28, 1947.

[SEAL]

I. W. DUGGAN,
Governor.

Approved: February 3, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1146; Filed, Feb. 6, 1947;
8:54 a. m.]

¹ This order is a revocation of order 439 (11 F. R. 13099).

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PACKERS OF CANNED OYSTERS

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following statement of policy is issued:

§ 3.1 *Notice to packers of canned oysters.* Regulations fixing a standard of fill of container for canned oysters were promulgated on November 25, 1944 (21 CFR, 1944 Supp., 36.6). This standard requires that the drained weight of oysters, when the drained weight of such oysters in the can averages less than ½ ounce per oyster, shall be not less than 68 percent of the water capacity of the can in which packed. For the No. 1 can, often referred to as the No. 1 eastern oyster can, having outside dimensions of diameter 2 11/16 inches and height 4.0 inches, a drained weight of about 7.5 ounces of oysters is required.

At the hearing which resulted in the promulgation of this standard, there was insufficient evidence to warrant findings of fact on which to base a standard of fill of container when the drained weight of oysters in a particular can averages ½ ounce or more per oyster. No standard for oysters of such size was established at that time.

It has recently come to our attention that some packers of canned oysters are now putting up large oysters, not subject to the requirements of the fill of container standard, so that the drained weight in many instances is 5 ounces or even less for the No. 1 can. Although such canned oysters are not subject to the provisions of the fill of container standard they are subject to the substantive provisions of the Federal Food, Drug, and Cosmetic Act. Section 402 (b) (2) of this act states that a food shall be deemed to be adulterated if any substance has been substituted wholly or in part therefor. Section 403 (d) of

(Continued on p. 835)

CONTENTS

	Page
Alien Property, Office of	
Notices:	
Vesting orders, etc..	
Bierling, Anna Hermine.....	906
Boeriu, John.....	902
Breusch, Lilly, et al.....	904
Evanoff, Steve.....	902
Faber, Albert.....	903
Froehlich, Elizabeth.....	903
Genandt, Johanna.....	903
Gutmann, Samuel.....	904
Merkel, Anton.....	904
Schwenk, Michael.....	905
Stemmler, John B.....	905
Toda, Harold Shoichi.....	905
Civil Aeronautics Board	
Notices:	
Accident at New Orleans, La., hearing.....	906
Civilian Production Administration	
Notices:	
Consent orders:	
Brousseau, Roy.....	909
Kopf, Henry A.....	909
Rules and regulations:	
Inventories, consumers' goods (L-219, Revocation).....	891
Priorities system operation; in- ventories (PR 32).....	891
Tin (M-43).....	836
Authorizations, status (M-43, Revocation of Dir. 1).....	826
Solder, babbitt, etc., limita- tion on accepting and filling orders by producers and on inventories of users (M-43, Revocation of Dir. 2).....	897
Customs Bureau	
Rules and regulations:	
Extensions of time; merchan- dise in general order and bonded warehouses.....	825
Farm Credit Administration	
Rules and regulations:	
Administrative officers, func- tions; authority of Deputy Governor and other officials to act in absence of Governor.....	833



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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947 are now presented in a new section entitled "Proposed Rule Making" Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

CONTENTS—Continued

Federal Communications Commission	Page
Notices:	
Class B FM channels, specific; request by applicants.....	906
Rules and regulations:	
Aviation radio services; license period.....	901
Frequency tolerance for low power radio transmitters:	
Railroad radio service.....	901
Stations in utility radio service.....	901
Federal Power Commission	
Notices:	
Hearings, etc..	
Consolidated Gas Utilities Corp.....	907
Idaho Power Co.....	907
Minnesota Natural Gas Co. and Northern Natural Gas Co.....	907

Food and Drug Administration	Page
Rules and regulations:	
Statements of general policy or interpretation; packers of canned oysters.....	883
International Trade, Office of	
Rules and regulations:	
Prohibited exportations.....	885
Interstate Commerce Commission	
Notices:	
Car service, freight.....	909
Steel, unloading at Chicago, Ill.....	908
Labor Department	
Notices:	
Labor disputes; filing of notices.....	906
Panama Canal	
Rules and regulations:	
Aircraft, air navigation, air-navigation facilities and aeronautical activities.....	898
Post Office Department	
Rules and regulations:	
Mails for Alaska, transportation (Corr.).....	901
Price Administration, Office of	
Rules and regulations:	
Sugar (3d Rev. RO 3, Am. 35).....	897
Securities and Exchange Commission	
Notices:	
Hearings, etc..	
Electric Bond and Share Co. et al.....	910
North Penn Gas Co. and Pennsylvania Gas & Electric Corp.....	910
Social Security Administration	
Rules and regulations:	
Insurance, Federal old-age and survivors' (Corr.).....	885
State Department	
Rules and regulations:	
Organization and functions (Corr.).....	885
Temporary Controls, Office of	
Rules and regulations:	
War Mobilization and Reconstruction, Office of; liquidation.....	885
War Assets Administration	
Rules and regulations:	
Fire-fighting equipment, exemption from priorities of veterans.....	898

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

Title 3—The President	Page
Chapter II—Executive Orders:	
5047 ¹	898
8251 ¹	898
8271 ¹	898
Title 6—Agricultural Credit	
Chapter I—Farm Credit Administration:	
Part 3—Functions of administrative officers.....	883
¹ Canal Zone Order 3, under Title 35.	

CODIFICATION GUIDE—Con.

Title 19—Customs Duties	Page
Chapter I—Bureau of Customs, Department of the Treasury:	
Part 56—Extensions of time pursuant to proclamations of the President under section 318, Tariff Act of 1930.....	885
Title 20—Employees' Benefits	
Chapter III—Social Security Administration (Old-Age and Survivors' Insurance), Federal Security Agency:	
Part 403—Federal old-age and survivors' insurance.....	885
Title 21—Food and Drugs	
Chapter I—Food and Drug Administration, Federal Security Agency:	
Part 3—Statements of general policy or interpretation.....	883
Title 22—Foreign Relations	
Chapter I—Department of State:	
Part 1—Organization.....	885
Part 2—Functions.....	885
Title 32—National Defense	
Chapter I—Office of Temporary Controls, Office of the Administrator:	
Part 32—Liquidation of the Office of War Mobilization and Reconversion.....	885
Chapter VIII—Office of International Trade, Department of Commerce:	
Part 801—General regulations.....	885
Chapter IX—Office of Temporary Controls, Civilian Production Administration:	
Part 944—Regulations applicable to the operation of the priorities system.....	891
Part 1001—Tin (3 documents).....	886, 897
Part 3118—Consumers' goods inventories.....	891
Chapter XI—Office of Temporary Controls, Office of Price Administration:	
Part 1407—Rationing of food and food products.....	897
Chapter XXIII—War Assets Administration:	
Part 8302—Disposal of surplus personal property to priority claimants.....	898
Title 35—Panama Canal	
Chapter I—Canal Zone regulations:	
Part 5—Air navigation.....	898
Title 39—Postal Service	
Chapter I—Post Office Department:	
Part 19—Transportation of mails.....	901
Title 47—Telecommunication	
Chapter I—Federal Communications Commission:	
Part 9—Rules governing aviation radio services.....	901
Part 16—Rules and regulations governing railroad radio service.....	901
Part 17—Rules governing stations in the utility radio service.....	901

the act provides that a food shall be deemed to be misbranded if its container is so made, formed or filled as to be misleading. It is our opinion that these sections apply to canned oysters if water, brine, or liquid draining from oysters during processing, replaces a quantity of oysters which should be added to fill the can.

It is the intention of this agency to call a hearing as soon as practicable on proposals to adopt definitions and standards of identity and standards for fill of container for all canned oysters. In the meantime the Food and Drug Administration will apply the substantive provisions of the act to canned oysters where the container is not as full of oysters as is practicable without injury to the quality or appearance of the product. (Secs. 3, 12, 60 Stat. 238, 244)

Dated: February 3, 1947.

[SEAL] WATSON B. MILLER,
Federal Security Administrator
[F. R. Doc. 47-1153; Filed, Feb. 6, 1947;
8:59 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance, Federal Security Agency)

[Reg. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE Correction

In Federal Register Document 47-847, appearing at page 612 of the issue for Wednesday, January 29, 1947, under amendatory paragraph 35 the second sentence of the bracketed notation should read "The letter (a) was added."

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51620]

PART 56—EXTENSIONS OF TIME PURSUANT TO PROCLAMATIONS OF THE PRESIDENT UNDER SECTION 318, TARIFF ACT OF 1930 MERCHANDISE IN GENERAL ORDER AND BONDED WAREHOUSES

FEBRUARY 3, 1947.

Further amendment of regulations governing extensions of the 1-year general-order period and the 3-year warehousing period for imported merchandise.

Pursuant to the authority contained in Proclamation 2712 of the President dated December 3, 1946 (11 F. R. 14133) Part 56, Code of Federal Regulations (T. D. 50967, 8 F. R. 15814, as amended by T. D. 51031, 9 F. R. 3446, and T. D. 51426, 11 F. R. 3185) is hereby amended as follows:

1. Section 56.1 (a) as amended by T. D. 51426, is further amended by deleting subparagraph (1) and redesignating subparagraphs (2) and (3) as (1) and (2) respectively.

2. Section 56.2, as amended by T. D. 51426, is deleted.

3. Section 56.3- (e), as amended by T. D. 51426, is deleted.

(Secs. 318, 624, 46 Stat. 696, 759, 19 U. S. C. 1318, 1624. Proc. No. 2599, Nov. 4, 1943, 8 F. R. 15359, Proc. No. 2712, Dec. 3, 1946, 11 F. R. 14133.)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.
[F. R. Doc. 47-1158; Filed, Feb. 6, 1947;
8:55 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 103.40]

PART 1—ORGANIZATION

PART 2—FUNCTIONS

Correction

In Federal Register Document 47-1036, appearing on page 791 of the issue for Tuesday, February 4, 1947, the agency designation headnote should appear as set forth in brackets above.

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of Temporary Controls

Subchapter D—Office of War Mobilization and Reconversion

PART 32—LIQUIDATION OF THE OFFICE OF WAR MOBILIZATION AND RECONVERSION

§ 32.9 *Liquidation of the Office of War Mobilization and Reconversion.* Pursuant to the authority of Executive Order 9809, dated December 12, 1946 it is hereby directed that the Office of War Mobilization and Reconversion as such be liquidated and that the liquidation shall be completed not later than June 30, 1947. All residual operating and administrative functions, such as those relating to accounts, personnel, history and records shall be assumed by the Office of Temporary Controls Administrator immediately after June 30, 1947.

§ 32.10 *Responsibility for liquidation.* The Commissioner for War Mobilization and Reconversion shall be responsible for the orderly liquidation of the Office of War Mobilization and Reconversion. As rapidly as possible determination shall be made by the Commissioner as to the effective dates for the termination of individual Office of War Mobilization and Reconversion functions. Following such determinations appropriate steps shall be taken to effect the liquidation of these functions by the dates so determined. (E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

This order is effective February 3, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.
[F. R. Doc. 47-1142; Filed, Feb. 6, 1947;
8:54 a. m.]

Chapter VIII—Office of International Trade (Department of Commerce)

Subchapter E—Export Control

[Amdt. 239]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	Commodity
200903	Rubber (natural, allied gums, and synthetics) and manufactures: Synthetic rubbers: Butyl copolymers of isobutylene and isoprene or other diolefins.
201160	Rubber, reclaimed. Tire sundries and repair materials: Camelback. Conveyor belting of rubber, balata, or synthetic rubber. Latex or other forms of rubber compounded or processed for use in further manufacture (include rubber sheets, compounded, or processed, and masterbatch), except liquid rubber compounds of natural rubber.
205905	Naval stores, gums and resins: Gum spirits of turpentine.
205900	Wood turpentine. Dipentene. Pine oil.
209200	Tall oil (liquid sulfate wood resin). Miscellaneous textile products: Cambric, varnished. Tape, cotton, varnished. Wood, unmanufactured: Logs, and hewn timber (indicate quantity scale) (include stumps and burls). Hardwoods (report burls in 400600): Walnut. Hardwood burls. Softwoods: Western red cedar. Other cedar (include eastern) (report Port Orford cedar in 401700). Sawmill products (lumber) Boards, planks and scantlings, less than 5" in least dimension: Hardwoods: Chestnut. Magnolia. Petroleum and products: Residual fuel oil (include residuum from cracking of petroleum distillates). Iron and steel manufactures: Cooking and heating stoves, except electric: Kerosene room heaters, only. Range and stove parts (gas and range and stove parts). Other domestic cooking or heating equipment: Range and stove parts, including cast iron, cooking and heating (coal, coke and wood wood range and stove parts). Range boilers. Zinc and manufactures: Zinc dust.
211400	
211510	
211610	
211710	
212500	
391700	
393900	
400400	
400600	
401600	
401800	
411900	
412200	
503100	
614500	
614700	
615200	
615220	
658000	

Dept. of Comm. Sched. B No.	Commodity
704000	Electrical machinery and apparatus: Motors, smaller than 1/2 horse- power.
709300	Cambric and muslin (including tape), varnished, for electrical insulation.
709800	Other wiring supplies except wall plates.
	Other industrial machinery: Blowers and ventilating machinery and parts:
764100	Sheet metal ducts.
	Coal-tar products:
800700	Coal-tar pitch.
802000	Xylol (coal tar and petroleum).
	Medicinal and pharmaceutical prepa- rations:
812750	Cinchona salt: Totquinone only.
813590	Caffeine alkaloid.
813590	Caffeine salts and compounds.
813590	Emetine and emetine salts.
813590	Pharmaceutical dextrose and glu- cose including destrose-mono- hydrate, in bulk.
813590	Theobromine and theobromine salts and compounds.
	Chemical specialties:
623900	Tanning specialty compounds con- taining 10% or more of sulfo- nated animal or vegetable oils and fats.
829200	Leather dressings, oils, polishes, and stains containing 10% or more of sulfonated or unsulfo- nated or unsulfonated animal or vegetable oils and fats.
	Industrial chemicals:
831200	Denatured alcohol (solidified).
831500	Ethyl alcohol.
838500	Ammonium bichromate.
838500	Ammonium chromate.
838500	Ammonium dichromate.
839900	Hydrogen peroxide (report hydro- gen peroxide in small packages for household use in 814200).
839900	Lead chloride.
839900	Lead nitrate.
839900	Lead silicate (mono).
839900	Lead silicate (di).
839900	Sodium plumbite.
	Pigments, paints, and varnishes:
842300	Carbon black or gas black, except carbon black, channel type.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702, E. O. 9630 dated Sept. 27, 1945, 10 F. R. 12245)

Dated: February 3, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export
Control Commodities Branch.

[F. R. Doc. 47-1154; Filed, Feb. 6, 1947;
8:58 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Laws 388 and 475, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1001—TIN

[Conservation Order M-43, Revocation of
Direction 1]

STATUS OF AUTHORIZATIONS

Direction 1 to Conservation Order M-43 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board or the Civilian Production Administration under this direction.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION

ADMINISTRATION,

By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1231; Filed, Feb. 6, 1947;
11:30 a. m.]

PART 1001—TIN

[Conservation Order M-43, as Amended
Feb. 6, 1947]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

INDEX

(a) What this order does.

Deliveries of Pig Tin

(b) Restriction on deliveries of pig tin.

(c) Allocations of pig tin.

(d) Reports on use, disposition and inventories of pig tin.

Use of Tin in Manufacture

(e) General restrictions on the use of pig tin, secondary tin, tin plate,terne plate, solder, babbitt and other tin-bearing alloys.

(f) [Deleted February 6, 1947.]

(g) Special restrictions on the use of metals to which pig tin has been added.

(h) [Deleted February 6, 1947.]

Implements of War

(i) Exemptions for implements of war.

Use and Sale of Articles Containing Tin

(j) General restrictions on the use and sale of tin-bearing products.

(k) Special restrictions on purchases and sales of certain articles containing tin.

Inventories

(l) Limitation on inventories.

Miscellaneous

(m) Appeals and communications.

(n) Violations.

Schedules of Permitted Uses

Schedule I—Miscellaneous.

Schedule II—Soldiers.

Schedule III—Babbitt.

Schedule IV—Brass and bronze.

A. Cast alloys.

B. Wrought alloys.

Schedule V—Use of tin to repair gas meters (superseded by item (b) (7) of Schedule II).

Schedule VI—Tin plate,terne plate, andterne metal.

§ 1001.1 Conservation Order M-43—

(a) *What this order does.* This order prohibits deliveries of pig tin except under certain conditions and provides for

allocation of pig tin by the Civilian Production Administration. It also restricts the use of pig tin, secondary tin, certain tin-bearing products and tinplate in manufacture. The order also restricts sales and deliveries of jewelry and certain other articles containing tin. Although paragraph (h) of the order which contained special restrictions on the use of tin in jewelry and certain other articles has now been deleted, all other provisions of the order still apply to these articles, including the restrictions of paragraphs (e) and (g) on use of tin, and the special sales restrictions of paragraph (k). The order also limits inventories of tin. Certain other orders of the Civilian Production Administration also restrict the manufacture and use of articles containing tin. The provisions of these other orders must also be followed.

Deliveries of Pig Tin

(b) *Restriction on deliveries of pig tin.* No person shall deliver or accept delivery of pig tin without a specific allocation in writing by the Civilian Production Administration or the War Production Board, except under the conditions set forth in paragraphs (b) (1) and (b) (2) below. "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, powder, small bars and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing.

(1) Pig tin may be delivered without specific allocation to the Office of Metals Reserve, Reconstruction Finance Corporation, or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended or to any agent of such a corporation.

(2) Pig tin may be delivered without specific allocation by a distributor in lots not larger than 2,000 pounds each to any person who does not receive from all sources more than 4,000 pounds of pig tin in the calendar month the distributor makes the delivery and who gives to the distributor at the time he places his purchase order, a certificate in substantially the form below, signed manually or as provided in Priorities Regulation 7 by an official duly authorized for that purpose:

I certify, subject to the penalties of Section 35 (A) of the United States Criminal Code, that I will use this pig tin for _____ (specify end use) in accordance with Order M-43 or will resell it only in accordance with that order. I will not receive more than 4,000 pounds of pig tin from all sources in _____ (specify month of delivery) including the amount covered by this order.

(Name of purchaser)

By _____
(Duly authorized official)

If the pig tin, or any portion of it, to be delivered under this subparagraph is to be exported outside the United States, its territories or possessions, or Canada, the purchaser (exporter) should state as the end use in the certificate the words

"for export" and give the number of the export license.

(c) *Allocations of pig tin.* The Civilian Production Administration will allocate the supply of pig tin, including all pig tin released by the Reconstruction Finance Corporation, and will issue specific directions as to the source, destination and amount of pig tin to be delivered or acquired. Applications for allocations of pig tin should be made to the Civilian Production Administration not later than the 20th day of the month before the month in which delivery is requested, and should be made on Form CPA-412. Except in unusual circumstances, the Civilian Production Administration will not allocate to a person for a calendar quarter an amount greater than 110% of the quantity he legally melted and put into process during the second quarter, 1946, plus the quantity which he sold during that quarter. Applications from persons who did not use pig tin during the base period (including persons who were not in business at that time) will be considered on an equitable basis. Tin requested for resale must be disposed of only by resale. The Civilian Production Administration may specifically direct the purposes and end products for which a person may convert, process or fabricate pig tin allocated to him.

(d) *Reports on use, disposition and inventories of pig tin.* (1) On or before the 10th of each calendar month, each distributor of pig tin must report to the Civilian Production Administration on Form CPA-412 or by letter in triplicate all of his transactions in pig tin during the previous month.

(2) Any person who, on the first day of a calendar month, has in his possession or under his control 2,000 pounds or more of pig tin must report to the Civilian Production Administration on Form CPA-412 by the 20th of that month.

(3) Any person who uses 1,000 pounds or more of pig tin in any calendar month must report to the Civilian Production Administration on Form CPA-412 on or before the 20th of the following month.

(4) The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Use of Tin in Manufacture

(e) *General restrictions on the use of pig tin, secondary tin, tin plate,terne plate, solder babbitt and other tin-bearing materials.* No person may use any pig tin, secondary tin, tin plate,terne plate, solder, babbitt, copper base alloys or other alloys containing 1.5% or more tin, or any britannia metal pewter metal or other similar tin-bearing alloys to make or treat any item or product, or in any process, not set forth in one of the schedules attached to this order. In making or treating these items, or performing these processes, pig tin may not be used where the schedule permits secondary tin only, and the tin content of an item may not exceed the amount indicated in the schedule.

"Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, powder, small bars, and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing. "Secondary tin" means any alloy which contains less than 98% but not less than 1.5% by weight of the element tin.

(f) [Deleted February 6, 1947.]

(g) *Special restrictions on the use of metals to which pig tin has been added.* No person may use metal to which pig tin has been added to produce any product or perform any process for which pig tin is not permitted by one of the schedules attached to this order.

(h) [Deleted February 6, 1947.]

Implements of War

(i) *Exemptions for implements of war.* (1) The restrictions of paragraphs (e) and (g) and of the schedules do not apply to the manufacture of "Implements of war" produced for the Army or Navy of the United States, or the U. S. Maritime Commission where the use of tin contrary to these restrictions is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the "Implements of war" are being produced.

(2) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above.

Use and Sale of Articles Containing Tin

(j) *General restrictions on the use and sale of tin-bearing products.* (1) In some cases the schedules attached to this order permit the use of pig tin or secondary tin in making a product only if the product is to be used for a particular purpose. No person shall use any of these products for any purpose other than the purpose permitted by the schedule.

(2) No person giving a certificate under this order or its schedules may receive, use or dispose of the materials obtained with the certificate contrary to its terms. The standard certificate described in Priorities Regulation 7 may not be used in place of any of the certificates described in this order or its schedules.

(3) Notwithstanding the authorization by the War Production Board or the Civilian Production Administration of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or subassemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order. A supplier may rely upon the written statement of the customer seeking delivery of any such material, as to the purposes for which it will be used,

unless the supplier knows or has reason to believe the statement is false, and such a statement shall constitute, on the part of the person making it, a representation to the Civilian Production Administration within the meaning of section 35 (A) of the United States Criminal Code, 18 U. S. C. sec. 80.

(k) *Special restrictions on purchases and sales of certain articles containing tin.* No person, for the purpose of resale, shall receive from a manufacturer any new article of the kinds listed below, if the article contains tin in any form except tin plate waste waste, orterne plate waste waste, tin plate scrap orterne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II) or brass or bronze (to the extent permitted by Schedule IV) No person shall sell or deliver any new article of the kinds listed below, if the article contains tin in any form except tin plate waste waste, orterne plate waste waste, tin plate scrap orterne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II) or brass or bronze (to the extent permitted by Schedule IV) unless he has an authorization in writing from the Civilian Production Administration or the War Production Board for the sale or delivery. A person who wishes to get such an authorization should apply to the Civilian Production Administration by letter in triplicate, giving a report of his inventory of all of the items listed below containing tin in any form except tin plate waste waste, orterne plate waste waste, tin plate scrap orterne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II) or brass or bronze (to the extent permitted by Schedule IV) showing the quantity of each item in his possession on March 1, 1945, the names and addresses of the sellers from whom he bought the items, and the dates the purchases were made. Authorizations will ordinarily be given, except where it appears that the purchases were in violation of Order M-43. "New article" means one which has not been used by an ultimate consumer. A purchaser for resale of articles of the kinds listed below may rely on a written certification by his supplier that they contain no tin in any form except tin plate waste waste orterne plate waste waste, tin plate scrap orterne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II) or brass or bronze (to the extent permitted by Schedule IV), unless he knows or has reason to believe the statement is false.

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal or other similar tin-bearing alloy.
4. Buckles.
5. Buttons.
6. Emblems and insignia.
7. Jewelry.
8. Novelties, souvenirs and trophies.
9. Ornaments and ornamental fittings.
10. Toys and games.

Inventories

(1) *Limitation on inventories*—(1) *Pig tin*. No person who uses pig tin (except a manufacturer of tin plate) shall accept delivery of any of that material if his inventory of it is, or will by virtue of such acceptance become, more than the amount which he will be required by his current practices to put into use during the next succeeding 45 days in order to carry out his current operations for permitted uses. Manufacturers of tin plate are subject to the minimum practicable working inventory limitations of Paragraph (c) (1) of Priorities Regulation 32 with respect to pig tin.

(2) *Solder babbitt, and other alloys containing tin*. No person who uses solder, babbitt, or other alloys containing tin (except copper base alloys) shall accept delivery of any type of those materials if his inventory of that type of material is, or will by virtue of such acceptance become, more than the amount which he will be required by his current practice to put into use during the next succeeding 30 days in order to carry out his current operations for permitted uses. The inventory of a person who uses copper base alloys (including those which contain tin) is controlled by the provisions of Priorities Regulation 32.

(3) *Priorities Regulation 32 also applies*. Persons buying tin or products containing tin for use or resale are also subject to the inventory restrictions of Priorities Regulation 32 (including the restrictions on ordering and processing) except to the extent that this paragraph imposes more restrictive controls.

Miscellaneous

(m) *Appeals and communications*. Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal. Priorities Regulation 16 gives additional instructions about the filing of appeals. Appeals, reports and all communications concerning this order should be addressed to the Civilian Production Administration, Tin, Lead, and Zinc Branch, Washington 25, D. C., Reference: M-43.

(n) *Violations*. Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Schedules of Permitted Uses

Under Order M-43 pig tin, secondary tin, tin plate,terne plate, solder, babbitt, copper base alloys and other materials containing tin may be used only in the production of the items and for the purposes set forth in the following schedules, subject to the limitations, restrictions and conditions specified in these schedules with respect to the various items and purposes.

SCHEDULE I—MISCELLANEOUS

(1) *Detonators and blasting caps*. Pig or secondary tin may be used to make detonators and blasting caps (including electric blasting caps) including all their necessary parts and accessories.

(2) *Collapsible tubes*. (a) Pig or secondary tin may be used to make collapsible tubes for the following purposes, if the tin content by weight of the tube is no greater than the maximum specified below:

Product	Maximum permitted tin content (percent of tin by weight)
Ointments and other preparations for ophthalmic use, sulfa drugs in ointment or jelly form, diagnostic extracts (allergens), and morphine or hypodermic injection.	Unlimited
Preparations intended for introduction into the body orifices for local application, and medicinal and pharmaceutical ointments (excluding unmedicated petroleum jelly and lanolin)	Unlimited
Dental cleansing preparations	3%
Secondary tin may be used to make lead collapsible tubes for any purpose if the tin content of the tube is not greater than 0.5% by weight.	

(b) [Deleted July 5, 1946.]

(c) No person may purchase, accept delivery of, or use collapsible tubes containing tin for packing products except those permitted above.

(3) *Foil*. (a) Pig or secondary tin may be used to make foil for the following purposes if the tin content by weight of the foil is no greater than the maximum specified below:

Purpose	Maximum permitted tin content (percent of tin by weight)
(i) Electrotypes foil	30%
(ii) Dental foil	Unlimited
(iii) Soft babbitt for the preparation of industrial metallic packing	1½%
(iv) Condenser foil of dimensions 0.00075 inch by ¾ inch or less	50%
(v) Condenser foil for all other condensers	5%
(vi) Foil for aircraft magnetos	50%
(vii) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals for which other types of liners cannot be used	Unlimited

(b) [Deleted July 5, 1946.]

(4) *Dairy equipment*. Pig or secondary tin may be used to coat fluid milk shipping containers or to manufacture or reline any other dairy equipment.

(5) *Equipment for preparing and handling food*. (a) Pig or secondary tin may be used to coat or to reline any parts of kitchen utensils, galley and mess equipment and other equipment used in processing and handling of food if the parts are designed to come into actual contact with food or to plate cutlery and flatware.

(6) *Wire coating*. Tin or tin alloys may be prepared and used for coating wire as follows:

(a) *For copper base wire*. There is no limitation upon the tin content of the coating alloy when the copper base wire to be coated is of a size of 0.0320" nominal diameter or finer. If the wire to be coated is of a size larger than 0.0320" nominal diameter, the tin content of the coating alloy is limited to 12% tin by weight.

(b) *For steel wire*. (i) To be used as armature binding wire.

(ii) To be used in the manufacture of equipment for the production of textiles.

(iii) To be used in the packaging or marking of meat where the wire comes into actual contact with the meat.

(iv) In the liquor finishing process of fine steel bright wire.

(c) [Deleted July 5, 1946.]

(7) *Lead base alloys for coating*. Lead base alloys containing tin for coating sheet, tubing, wire, foundry chaplets, etc., may be manufactured and used if the tin content of the alloy does not exceed 7% of tin by weight.

(8) *Printing plates and type metal*. Printing plates and type metal containing tin may be made for use by the printing, publishing and related service industries.

(9) *Dental amalgam alloys*. Tin may be used in the manufacture of dental amalgam alloys without restriction as to the tin content of the alloys.

(10) *Pipe organs for religious and educational institutions*. Pipe organs for religious and educational institutions may be manufactured, rebuilt, or repaired with secondary tin.

(11) *Bolster metal*. Bolster metal may be made and used in the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 10% of tin by weight.

(12) *Fusible alloys and dry pipe seat rings*. Pig or secondary tin may be used in the manufacture of dry pipe valve seat rings to the extent required to meet performance specifications; and in the manufacture of fusible alloys for safety purposes only, to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.

(13) *Tin pipe and sheet*. (a) Pig or secondary tin may be used to make tin pipe, sheet tin, and fittings to repair or maintain beverage dispensing units and their parts, if the consumer for whom the pipe, sheet or fittings are made returns to the supplier a quantity of scrap tin having the same tin content as that of the new pipe, sheet or fittings delivered to him.

(b) Pig or secondary tin may be used to coat copper or brass pipe and fittings for beverage or distilled water dispensing purposes.

(c) Tin pipe or tubes may be used in the manufacture of new soda fountains, food and beverage dispensing units, and where required for conducting chemically pure distilled water.

(14) *Chemicals*. Tin or tin chemicals may be used as laboratory reagents, for medicinal purposes and for plating processes where plating is permitted.

(15) *Tin oxide*. Tin oxide may be used for the production of chrome green, pink, yellow, and red colors, and for the production of earthenware plumbing fixtures.

(16) *Snap fasteners and hooks and eyes*. Pig or secondary tin may be used to plate snap fasteners, and hooks and eyes.

SCHEDULE II—SOLDERS

(a) *Certificates*. No manufacturer or wholesale distributor shall sell or deliver any solder to a wholesale distributor or re-

tailer and no wholesale distributor or retailer shall purchase or accept delivery of any solder unless the purchaser has given to the seller a statement that he will not resell the solder to a user without obtaining from the user the certificate called for below. No manufacturer, wholesale distributor or retailer shall sell or deliver any solder to a user and no user shall purchase or accept delivery of any solder from a manufacturer, wholesale distributor or retailer unless the user has given to the seller the certificate called for below:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the Civilian Production Administration that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule II, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of this order.

(Name of purchaser)
By _____
(Duly authorized official)

(b) *Tin content.* In the manufacture of solder, the tin content by weight shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of solder (percent of tin by weight)
(1) For all cellular type radiators (average per radiator).....	21%
(2) For all fin and tube type radiators for military and civilian use (average per radiator).....	32%
(3) Soldering end seams on all solder sealed cans.....	30%
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes.....	15%
(5) For soldering side seams in the manufacture of cans made with either lock or lap side seams or with a combination of lock or lap seams.....	5%
(6) For sealing milk cans.....	21%
(7) For all soldering on motors, generators, electrical equipment, instruments, meters, radio, radar, tanks, fire protection equipment, refrigeration equipment, dairy equipment, and food processing equipment.....	50%
(8) For soldering aluminum.....	60%
(9) For other hand soldering operations done either with a soldering iron or with a torch and wiping.....	40%
(10) For any other soldering operations.....	35%

(c) [Deleted July 5, 1946.]

SCHEDULE III—BABBITT

(a) No manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any wholesale distributor of babbitt and no wholesale distributor of babbitt shall accept delivery from a manufacturer or a wholesale distributor unless he shall have furnished the manufacturer or other wholesale distributor with a statement on his purchase order to the effect that he will not resell such babbitt containing more than 10% tin by weight to any user unless he has received the certificate from such user set forth below. No manufacturer of babbitt or wholesale dis-

tributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any user and no user shall accept delivery of any babbitt containing more than 10% tin by weight from any manufacturer of babbitt or wholesale distributor of babbitt unless the user shall have furnished the manufacturer or wholesale distributor with the certificate set forth below:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code to the seller and to the Civilian Production Administration, that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule III, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of said Order M-43.

(Name of purchaser)
By _____
(Duly authorized official)

(b) *Tin content.* In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of babbitt (percent of tin by weight)
(1) For the manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads.....	Unlimited
(2) Any other bearing purposes.....	80%

Babbitt may not be used for any purpose except those listed above.

(c) [Deleted February 6, 1947.]

SCHEDULE IV—BRASS AND BRONZE

A. CAST ALLOYS

(a) *Tin content.* No person shall cast or have any person cast for him any copper base alloy containing 1.5% or more tin by weight for other than the specific purposes listed below. The tin content of any such alloy shall not be more than the amount specified for each purpose.

Purpose	Maximum tin content (percent of tin by weight)
(1) For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, and collector rings.....	12%
(2) For the manufacture of piston rings for locomotives and for air-brake equipment.....	20%
(3) For use as bearings and bushings.....	9%
(4) For bearings produced by process of powder metallurgy.....	10%
(5) For production of or use in tablets, markers, and memorials.....	3.5%
(6) For all other castings.....	6%

(b) *Certificate.* Any person receiving copper base alloy castings containing 1.5% or more tin shall furnish his supplier with a certificate on his purchase order stating the end use of such castings. All suppliers shall require such a certificate. If the end use is not permitted by M-43, and the purchaser has not special authorization from the Civilian Production Administration or the War

Production Board, the supplier shall refuse the order.

(c) [Deleted July 5, 1946.]

D. WROUGHT ALLOYS

Pig or secondary tin may be used to make wrought alloys. However the tin content of any such alloy shall not be more than the amount required for the particular purpose.

SCHEDULE V WHICH FORMERLY COVERED USE OF TIN TO REPAIR GAS METERS HAS BEEN SUPERSEDED BY ITEM (B) (7) OF SCHEDULE II

SCHEDULE VI—TIN PLATE, TERNE PLATE, AND TERNE METAL

(a) *Definitions.*—(1) "Tin plate" means steel sheets coated with tin including electrolytic tin plate and hot dipped tin plate and including primes, seconds and waste-waste but not scrap.

(2) "Terne plate" means steel sheets coated with terne metal including short ternes (coated on tin mill coating machines) and long ternes (coated on sheet mill coating machines) including primes, seconds and long terne waste-waste but not scrap.

(3) "Tin plate or terne plate scrap" means any material or product made in whole or in part of tin plate or terne plate which is the waste of industrial fabrication or which has been discarded after being put into actual use, including tin plate crowns, screw caps or similar closures for various containers. The term also includes tin plate and terne plate sheets recovered from tin plate or terne plate cans or from other articles.

(4) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into usable condition by recoating.

(5) "Terne metal" means a tin-bearing lead alloy used as a coating for plate but does not include lead recovered from secondary sources which contains not more than 3% residual tin.

(6) "Waste-waste" means hot dipped or electrolytic tin coated sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(b) *Manufacture of tin plate and terne plate.* Tin plate and terne plate may be manufactured for the purposes set forth below. However, coating of tin or terne metal per single base box of tin plate or terne plate must not exceed the maximum, indicated below for the particular permitted use. No person may use terne metal of over 15% tin in tin mill coating machines. No person may use terne metal of over 10% tin in sheet mill coating machines.

(c) *Manufacture of terne metal.* Pig or secondary tin may be used to make terne metal.

(d) *Certificates.* No person shall sell or deliver any tin plate or terne plate to any person unless he gives with his purchase order a certificate in substantially the following form:

I certify, subject to the penalties of section 35 (A) of the United States Criminal Code, that I will use this tin plate or terne plate for _____ (specify end use) in accordance with Order M-43 or will resell it only in accordance with that order.

(Name of purchaser)
By _____
(Duly authorized official)

A person who has given one of the certificates described in Direction 9 to M-21 with his purchase order need not give the certificate described in this paragraph.

(e) Tin plate andterne plate may be used only for the following purposes:

Note: Table amended February 6 1947

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
1 All kitchen and cooking equipment.	Electrolytic tinplate	0 25 lb. per base box.
2 Baking pans for institutions and commercial bakers	Hot dipped tin plate	1 25 lbs. per base box
	Electrolytic tin plate.	0 50 lb per base box
3 Brushes power driven	Reconditioned tin plate	
	Short ternes	1 30 lbs. per base box
	Long ternes	4 lbs per base box
4 Cans -	Reconditioned ternplate	
	As recommended by Conservation Order M-81 as amended	
5 (a) Closures for all food products (excluding malt beverages and nonalcoholic beverages) if preserved in a hermetically sealed container, or if made sterile by heat; and olives, pickles, relishes, sauces, vinegar, French dressing, flavoring extracts, spices must and, horseradish and cherries.	Hot dipped tin plate	1 50 pounds per base box
(b) Closures for meat and fish and products made from them; ice cream mix; apple cider and juice; fruits (only crush, pour and fruit and ice cream toppings) soup, milk, cheese spreads; spaghetti and macaroni products; corn beef hash and suet kraut	Electrolytic tin plate	0 50 pound per base box
(c) Closures for biologicals; blood plasma; drug chemicals; dental supplies; glycerol; liniments of ammonia; magnesia; drug oils; ointments; paniclelin; prescriptions; medicinal soaps; aromatic spirits of ammonia; ammonia products; aromatic chemicals; reagent chemicals; odorants, liquid or paste (not for use on human body); dyes; germicides; hypochloride powders; phenols; photographic supplies; and all other liquid chemicals.	Electrolytic tin plate	0 50 pound per base box
(d) Closures for home canning		
(e) Closures to be purchased by or for the account of the American Red Cross, Office of Scientific Research and Development or the Panama Canal, including the Panama Railroad Company or for shipment outside the forty-eight States of the United States and the District of Columbia (General exceptions for certain other governmental agencies are included in item 30 below)	Electrolytic tin plate	0 50 pound per base box
(f) Closures for steel drums	As specified	
6 (g) All other closures and crowns.		
6 Carbide non explosive emergency lights		
	Hot dipped tin plate	1 25 lbs. per base box
	Electrolytic tin plate.	0 50 lb. per base box.
	Short ternes	1 30 lbs. per base box.
	Long ternes	0 25 pound per base box
	Reconditioned ternplate.	1 30 lbs. per base box.
7 Chaplets skingates and tin forms for foundry use.	Hot dipped tin plate	4 lbs per base box.
	Electrolytic tin plate	
	Short ternes	1 25 lbs. per base box.
	Long ternes	0 50 lb per base box.
	Reconditioned ternplate.	1 25 lbs. per base box.
	Hot dipped tin plate	1 30 lbs. per base box.
	Electrolytic tin plate.	1 30 lbs. per base box.
	Reconditioned tin plate	4 lbs per base box.
	Short ternes	
	Long ternes	11 lbs per base box.
	Reconditioned ternplate.	
8 Cheese vats	Hot dipped tin plate	1 30 lbs. per base box.
	Reconditioned tin plate	4 lbs per base box
9 Component parts for Internal Combustion engines including air cleaners, cooling systems, fuel systems, and lubricating systems, but only where less essential material is impracticable because of corrosion or solder ability	Hot dipped tin plate.	1 25 lbs. per base box.
	Electrolytic tin plate.	3 30 lbs. per base box (2A char coal)
	Reconditioned ternplate.	0 50 lb per base box.
10 Cylinder liners for land and fruit presses	Hot dipped tin plate.	
11 Dairy ware and equipment including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, which cans measure and test were bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type beaters and coolers and testing equipment	Electrolytic tin plate.	
	Reconditioned tin plate.	

Permitted use	Permitted material	Maximum permitted coating of tin or ofterne metal (per single base box)
12 Diamond cutting wheels	Electrolytic tin plate. Reconditioned tin plate Short ternes Long ternes Reconditioned ternplate Electrolytic tin plate. Reconditioned tin plate Short ternes Long ternes Reconditioned ternplate. Electrolytic tin plate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	0 50 lb. per base box 1 30 lbs. per base box. 4 lbs. per base box 0 50 lb. per base box 1 30 lbs. per base box. 4 lbs. per base box 0 25 lb. per base box. 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 6 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 3 30 lbs. per base box (2A char coal). 0 50 per base box
13 Dusters and sprayers, hand, for disinfectant and pest control; parts requiring solderable coatings	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 3 30 lbs. per base box (2A char coal).
14 Equipment or appliance parts requiring solderable coatings	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
15 (a) Fuel tanks except for automotive equipment	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
(b) Fuel tanks for automotive equipment.	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
16 Gas mask canisters	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
17 Gas meters	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
18 Heat exchangers	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
19 Integral parts of signal cells—but only for current collectors and baskets	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
20 Lining of drying chambers for milk and egg dehydration	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
21 Maple syrup evaporators	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
22 Oilers (excluding cans as defined by Order M-81)	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
23 Oil lanterns	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
24 Repair parts for domestic laundry equipment	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
25 Safety cans for inflammable liquids	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
26 Textile spinning cylinders card screens spools and bobbins	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
27 Torpedoes for oil and gas well shooting	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
28 Vaporizing liquid fire extinguishers	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
29 Wick holders for oil stores	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box
30 Articles to be purchased by or for the account of the Army and Navy of the United States and the United States Maritime Commission and the Veterans' Administration.	Electrolytic tin plate. Reconditioned ternplate Short ternes Long ternes Reconditioned ternplate Hot dipped tin plate	1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box 1 30 lbs. per base box. 4 lbs. per base box

(f) Additional permitted uses Any person may use electrolytic tin plate waste—waste, hot dipped tin plate waste waste ternplate waste waste, tin plate scrap, or ternplate scrap for any purpose. In addition any person may use tin plate or ternplate for any purpose (except to make items

listed in paragraph (k) of order M-43) if his total annual consumption of tin plate and ternplate does not exceed 100 base boxes (g) Optional use of 0.25 tin plate for ternplate Where ternes or ternplate is permitted to be used for an item listed in paragraph (e) above a manufacturer may substitute electrolytic tin plate with a maximum per-

mitted tin coating of 0.25 pounds per base box for that item.

[F. R. Doc. 47-1230; Filed, Feb. 6, 1947; 11:30 a. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Consumers' Goods Inventory Limitation Order L-219, Revocation]

Section 3118.1 *Consumers' Goods Inventory Limitation Order L-219*, is hereby revoked. This action does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board or Civilian Production Administration under the order. Inventories of consumers' goods remain subject to the provisions of Priorities Regulation 32 and other applicable orders and regulations of the Civilian Production Administration.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1234; Filed, Feb. 6, 1947; 11:30 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32 as Amended Feb. 6, 1947]

INVENTORIES

(a) What this regulation does.

General Restrictions

- (b) Restriction on delivery.
- (c) Restrictions on receipts.
- (d) Restriction on ordering more than needed.
- (e) Adjusting outstanding orders when requirements change.
- (f) Restriction on processing.

Exceptions

- (g) In general.
- (h) Receipts permitted after contract cancellations or cut-backs.

Miscellaneous Provisions

- (i) Previous inventory authorizations.
- (j) Separate inventories.
- (k) Redistribution of excess inventories.
- (l) Violations.
- (m) Revisions of tables.
- (n) Appeals, letters and questions.

§ 944.53 *Priorities Regulation 32—(a) What this regulation does.* This regulation contains the inventory rules formerly in § 944.14 of Priorities Regulation 1 and in CMP Regulation 2. Its purpose is to prevent excessive inventories by restricting ordering, deliveries, receipts and processing of materials in short supply. All kinds of materials are covered including raw or semi-fabricated materials, commodities, equipment, accessories, parts, assemblies or products of any kind, whether or not acquired with priorities assistance. However, foods for humans or animals, tobacco and tobacco products, oils and fats, petroleum and petroleum products including natural and liquefied petroleum gas, and coal are not covered by this regulation, but are subject to applicable restrictions of other Government agencies. This regulation applies to all persons buying for

No. 27—2

use or for resale whether established firms or newcomers, except ultimate consumers buying for personal or household use.

The general rule on receipts is in paragraph (c) (1), and this is controlling unless a more specific limitation or exception is indicated in Table 1 or 2 or a direction to this regulation, or unless Table 3 (formerly Order M-161) exempts the material entirely. Other exceptions to the inventory limitations are stated in paragraphs (g) and (h) and in directions to this regulation.

General Restrictions

(b) *Restriction on delivery.* No person may deliver any material if he knows or has reason to believe that acceptance of the delivery would be in violation of this regulation.

NOTE: For rule on making or delivering material earlier than required by customers, see Interpretation 3.

(c) *Restrictions on receipts—(1) General rule.* A person whether buying for use or resale including a person buying for export may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries or to supply his services on the basis of his current or scheduled method and rate of operation.

NOTE: For rule on when material is considered to be in inventory, see Interpretation 4; for rule as to seasonal industries, see Interpretation 1.

(2) *Special rules in Tables 1 and 2.* If Table 1 at the end of this regulation shows a special inventory limit on a particular material or product (either specifically or by reference to another CPA order or regulation), that limitation governs and the restrictions of paragraph (c) (1) above may be disregarded unless the applicable order or regulation (or a note in Table 1) also states that a practicable minimum working inventory may not be exceeded. The same is true with respect to particular classes of persons shown on Table 2. Where a specific period of time is shown on Table 1 or 2, no person affected may accept delivery of any material specified if his inventory of it is, or will be, more than he needs during the immediate period specified on the basis of his current or scheduled method and rate of operation. Even if an order or regulation is not listed on Table 1 or 2, any specific inventory limits imposed by it must be complied with. If an order or regulation listed on Table 1 or 2 is revoked or a listing removed from the tables all provisions of this regulation, including paragraph (c) (1) are automatically applicable.

(3) *Early delivery of steel, iron products, aluminum, copper and copper base alloys.* Early delivery, up to 15 days before the requested delivery month may be accepted from a producer of steel, iron products, aluminum, copper or copper base alloys (in the forms listed on Table 1) but the producer may not make the early delivery if it would interfere with any rated orders. Other special rules on these materials are explained in Table 1.

(d) *Restriction on ordering more than needed.* (1) A person may not place any order, whether rated or unrated, for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this regulation, or any other applicable orders or regulations of CPA. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery. However, this restriction does not apply to materials listed on Table 3 of this regulation nor to purchases by ultimate consumers for personal or household use. The restriction does not forbid the placing of orders for delivery under the conditions explained in Interpretation 11 to Priorities Regulation 1, but such orders may not be scheduled for production as long as this restriction is effective.

(2) This restriction does not require immediate adjustment of orders placed before August 28, 1945. However, in view of its policy to prevent hoarding and speculative buying of materials in short supply, the CPA may direct adjustments or cancellations in individual cases where orders are in excess of reasonably anticipated needs especially where failure to do so might result in unbalanced distribution and curtail total production.

(3) If the inventory limits applying to any material are made more restrictive, whether by a change in Table 1 or otherwise, any person affected must immediately cancel, reduce or defer any order for the material to the extent that the scheduled delivery would result in an inventory greater than permitted by the new restriction and other applicable provisions of this regulation.

(e) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this regulation, he must promptly adjust his outstanding orders, and, if necessary, postpone or cancel them. Paragraph (h) below describes what further deliveries may be accepted.

(f) *Restriction on processing.* No person may process, fabricate, alloy or otherwise alter the shape or form of any material not listed in Table 3 if his inventory of the material in its processed, fabricated, alloyed or otherwise altered shape or form (including the form in which he sells it) is, or will be more than a practicable minimum working inventory. This limitation applies whether the manufacturer does his own processing or has it done for his account by others. He may not exceed it by causing or permitting avoidable delays in transportation, storage, or processing. However, this does not restrict a person from altering the form of surplus materials by scrapping or reprocessing them, unless a CPA order specifically says otherwise. The CPA may issue directions to Priorities Regulation 32 or other orders that are more restrictive on processing than the general limitations of this paragraph.

In such case, these more restrictive directions or orders control instead of the general restrictions of the paragraph.

Exceptions

(g) *In general.* This paragraph, paragraph (h) below, and certain directions to this regulation state general exceptions to the restrictions on acceptance of delivery described in paragraph (c) above, and to all other inventory restrictions on delivery and acceptance of delivery in CPA orders and regulations unless they contain specific provisions to the contrary. None of these or any other exceptions to CPA inventory restrictions on receipts permit a supplier to disregard any applicable CPA order or regulation which restricts production or delivery.

(1) *Exemption of Table 3 materials.* Materials listed on Table 3 at the end of this regulation may be delivered and accepted without regard to CPA inventory restrictions.

(2) *Materials bought under PR-13.* Priorities Regulation 13 provides a limited exemption from inventory restrictions in the case of items bought on special sales.

(3) *Imported materials.* A person may import any material without regard to CPA inventory restrictions, but if his inventory of it thereby becomes in excess of the amount permitted by this regulation, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him may receive.

(4) *Advance stockpiling for civilian production.* A person may receive in anticipation of starting or resuming civilian production the minimum amount of material or equipment he would need during the first 30 days of such production, provided no priorities assistance is used to get the material or equipment. Records of such receipts and the basis on which they were computed must be preserved as required by § 944.15 of Priorities Regulation 1. This 30-day amount is a ceiling as far as advance stockpiling is concerned, and may not be considered as a "bonus" to be added to the amount of any material which a producer expects to have available for making his civilian product. Changes in this 30-day amount may be indicated for a particular material by a note in Table 1. This paragraph relates to production only and does not permit the advance stockpiling of building materials for construction purposes.

(5) *Minimum sale quantities.* Minimum sale quantities and production runs may be accepted to the extent permitted by Interpretation 2 to this Regulation. However, where Column 3 of Table 1 shows a specific amount of a particular material, that is considered to be the minimum sale quantity of it. Thus, if a person would be permitted under paragraph (c) to accept less than the amount shown, he may accept delivery of the full amount. In any event, after receiving a minimum sale quantity of any material, a person may not accept delivery

of any additional quantities until his inventory of it is within applicable limits.

(6) *Small inventory exemption for particular materials.* If a note in Table 1 or 2 shows a specific amount of a particular material as a small inventory exemption a person may accept delivery of any quantities of it as long as his total inventory of it after acceptance is no more than the specified amount.

(h) *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders with his supplier as required by paragraph (e) and the supplier is not otherwise prohibited from producing or delivering any material involved, delivery of it may be made and accepted and the inventory restrictions of paragraph (c) exceeded to the following extent only:

(1) Delivery may be made and accepted if the supplier has shipped the material or loaded it for shipment before the receipt of the instruction to adjust; or

(2) Delivery may be made and accepted of any special item which the supplier actually has in stock or in production or special components or special materials which he has acquired for the purpose of filling that contract. A special item as used above, means one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others; or

(3) Even if the material is not a special item, delivery may be made by and accepted from a producer if it has already been produced or is in production before receipt of the instruction to adjust, and it cannot be used to fill other orders on the producer's books. However, in the case of steel processed beyond the slab, billet or sheet bar stage before receipt of the instruction to adjust, producers are not required to examine other orders on their books. In this case, unless otherwise ordered by the CPA, deliveries may be made and accepted if the producer cannot readily dispose of the material to others without loss of production.

NOTE: For special rules on continuing receipts of special items after contract cut backs, see Direction 3 to this regulation; and as to transfers of idle materials after cancellations or cut backs, see Direction 1. For effect of reduction in consumption rate on permitted inventories, see Interpretation 5.

Miscellaneous Provisions

(i) *Previous inventory authorizations.* Any specific authorizations, exceptions, or grants of appeals issued under § 944.14 of Priorities Regulation 1 or CMP Regulation 2 remain in effect according to their terms unless individually modified or revoked.

(j) *Separate inventories.* (1) In figuring his inventory, a person must include all material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) In the case of a person who on August 28, 1945, has more than one operating unit and keeps separate inventory records for them; this regulation applies to each such operating unit or division independently. A person may not make any further separation or consolidation

of such operating units without special written approval of the Civilian Production Administration, unless it is purely incidental to a separation or consolidation which is made primarily for other than inventory purposes.

(k) *Special sales of materials and products.* Special sales of materials and products acquired or made for use and not for sale or resale may be disposed of subject to the provisions of Priorities Regulation 13.

(l) *Violations.* Any person who willfully violates any provision of this regulation, or who, in connection with this regulation, willfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Revisions of tables.* Tables 1, 2, and 3 attached to this regulation will be revised from time to time. As materials and products become in more ample supply, it is expected that they will be listed on Table 3. In special cases, particular materials or products may also be removed from Table 3 or added to Table 1. It is, therefore, important to be familiar with the latest revision of the tables.

(n) *Appeals, letters and questions.* Any appeal or other question regarding any provision of this regulation should be sent by letter in duplicate to the Inventory Control Division, Civilian Production Administration, Washington 25, D. C. Ref. PR 32, unless Table 1 or 2 attached to this regulation indicates otherwise with respect to particular materials or classes of persons.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE 1—MATERIALS AND PRODUCTS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

Explanation. Materials or products listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation, except to the extent that different rules may apply as to certain classes of persons under Table 2.

Column 2 shows either the CPA order or regulation which controls inventories of the material, or if no order is specified there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

If Column 2 shows a specific period of time (e. g., 30 days, 60 days, etc.) for a particular material or product, this restriction applies only to "users" of that material or product, i. e., persons, including Government operated consuming establishments, who use the material or product for production, operating supplies, maintenance and repair, or for construction whether for own account or for the account of another. In addition, the restriction applies only within the 48 States and the District of Columbia. In the case of persons

TABLE 1—Continued

[illegible]

who are not "users" such as persons buying for resale paragraph (c) (1) applies instead shown the rule in Interpretation 2 must be followed

A figure in Column 3 shows the minimum basic quantity that is the amount of the particular material which a person may receive under the conditions stated in paragraph (E) (5) even if it is more than allowed under Column 2. If no figure is

TABLE 1

Material	Order or limitation	Minimum sale quantity	OPA division or office administering the control	Remarks
(1)	(2)	(3)	(4)	(5)
Aluminum sheets	45 days		Aluminum and magnesium and magnesium	
Aluminum extrusions	45 days*			
Aluminum, all other forms (see Table 3)	M-112, 30 days*	--	Tin, lead and zinc	
Asbestos friction material	45 days*		Cork, asbestos and fibrous glass	
Asbestos-cement shingles and flat sheets (products made from asbestos fibers)	30 days*	--	Cork, asbestos and fibrous glass	
Asphalt and tarred roofing products**	30 days*	--	Building materials	
Bohblitt,	M-43, 30 days*		Tin, lead and zinc	
Bohblitt and 1/2-inch sheet containing 10% or more of bismuth	30 days*		Building mate	
Building board made from wood pulp, vegetable fibers, pressed paper, cloth, or multiple plies of fibre sheet**	30 days*		Building mate	
Burlap	30 days*		Textiles	
Butyl Acetate	45 days*		Chemicals	
Butyl Alcohol (Normal)	45 days*		Chemicals	
Cadmium, meaning all grades of metallic cadmium, cadmium oxide, or cadmium salts produced directly from acid concentrates or other primary materials or refined primary materials from secondary cadmium bearing material	30 days*	100 lbs	Tin, lead and zinc	
Cerium	45 days		Chemicals	
Cerium, metallic iron (50 steel), including iron products				
Castile Soda (50 sodium hydroxide)				
Copper and copper base alloy	PT 32, Dir 10		Steel	
Copper and copper base alloy term.	60 days**		Copper	
<p>Copper and copper base alloys, Note: (1) The provisions of this regulation apply separately to each "item" of copper or copper base alloy in any class listed from all other items in that class by reason of the fact that the classification, such as width, thickness, temper, alloy, finish, or method of manufacture, in itself, does not differentiate items of wire mill products.</p>				

TABLE 2—Continued

Classes of persons	Order of limitation	OPA division or office administering the control	Remarks
Piston ring manufacturers	90 days*	Inventory control	Applicable only to special heat treated, tempered, polished, and colored high carbon steel (known as segment or expander steel) for use in the production of piston rings
Rubber and rubber product manufacturers.	R-1	Rubber	
Scrap dealers: Copper and Copper Base Alloy	PR-32, Dir 11	Copper	
Scrap: Iron and Steel Scrap	MC-91, Dir 5	Steel	
Tin and Lead Scrap	PR-32, Dir 5	Tin, Lead and Zinc	
Segregated structural steel for construction fabricators of	L-63	Inventory control	
Suppliers		Wholesale and Retail Branch	
Telephone operators	(**)	Inventory control	
Telephone operators	(**)	Inventory control	
Transportation systems operators (MTRC supplies)	(**)	Inventory control	
Utility products (electric, power, gas, water and central steam heating)	(*)	Inventory control	

*Or a practicable minimum working inventory whichever is less.

TABLE 3—EXEMPTED MATERIALS AND PRODUCTS

NOTE: Table amended February 6, 1947

Explanation: The following materials and products are exempt from the inventory restrictions of this regulation and of all other OPA orders or regulations unless they specifically state otherwise

Aluminum, all forms except sheet and extrusions	Beryl
Amblygonite	Blocks, concrete
Antiques	Brick, cement
Apilite	Brick, clay, common and face
Asbestos, unmanufactured, all grades and types	Brick, sand lime
Asbestos Tape 010—025 thickness	Bridal gowns
Asbestos textiles	Brillies
Batteries, dry cell	Burial gowns
Bentonite	Caffeine, alkaloids, salts and compounds
	Carbon electrodes (over 1" dia)
	Chalk
	China clay (English)
	Christmas ornaments and supplies
	Clay (not including fire clay)
	Clocks and watches, cork grinding
	Cork, raw corkwood, milling cork
	Corundum
	Cotton: Baled raw cotton

TABLE 1—Continued

Material	Order or limitation	Minimum sale quantity	OPA division or office administering the control	Remarks
Wire devices (electrical) etc.—Continued				
(2) Convenience receptacles (outlets)—types suitable for residential use.				
(3) Toggle switches—types designed specifically for tools and appliances not included.				
(4) Wall and face plates, outlet, switch, and receptacle boxes—types suitable for residential use—covers, hangers, supports and clamps included.				
(5) Box connectors for residential-type metal or nonmetallic-sheathed cable.				
Zinc, including zinc base diecast alloy**	30 days*	-	Tin, lead and zinc	**The limitations in column 2 apply to the total amount of zinc, including zinc base diecast alloy, in the user's inventory rather than item by item.

*Or a practicable minimum working inventory whichever is less.

TABLE 2—CLASSES OF PERSONS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

Explanation: The classes of persons listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (3) of the regulation.

Column 2 shows either the OPA order or regulation which controls the inventories of the particular class of persons, or if no order is specified there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (3). An asterisk (*) indicates that the particular minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

Column 3 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described.

Column 4 (Remarks) gives explanations, exemptions or other special rules applicable to the particular class of persons or limitation. Where this column specifies certain materials, the limitation or exemption for the particular class of person applies only to the materials specified.

TABLE 2

NOTE: Table amended February 6, 1947.

Classes of persons	Order of limitation	OPA division or office administering the control	Remarks
File and rasp manufacturers	120 days*	Inventory control	Applicable only to special high carbon steel in special forms and shapes needed to make files and rasps.
Hardwood flooring manufacturers	None	Lumber	No inventory restrictions apply to receipts of finished floor for residential use.
Jeweled watch manufacturers	None	Inventory control	No inventory restrictions apply to receipts of steel, iron products, copper and copper base alloys for making jeweled watches.
Pipe nipple manufacturers	(**)	Inventory control	**All provisions of this regulation apply except that with respect to steel pipe the limitation on receipts applies to the total tonnage of pipe in the users inventory rather than item by item.

Diamond dies
 Diatomaceous earth
 Domestic andalusite
 Domestic dumortierite
 Drugs and drug sundries
 Emery
 Emetine and emetine salts
 Feldspar
 Fibrous glass products
 Flowers and plants
 Fluorspar
 Fuller's earth
 Furfural
 Furs, fur coats (except fur-trimmed coats)
 Garden supplies and seeds for garden use
 Garnet
 Giftwares (including jewelry accessories)
 Gloves, handbags and millinery
 Gold
 Graphite
 Graphite electrodes (over 1" dia.)
 Historical costumes for theatrical use
 Ilinium
 Iste fiber and products
 Jewel bearings
 Jewelry and silverware
 Jute fiber and jute products (except burlap)
 Kaolin
 Kyanite
 Lace, trimmings and ribbons
 Lamps, incandescent
 Lithium ore
 Luggage and other leather goods
 Magnesite
 Magnesium in all forms
 Men's sport shirts
 Mercury
 Mica (except Mica received from Govt. stocks—see Table 1)
 Mineral aggregates:
 Sand
 Gravel
 Crushed stone
 Slag
 Musical instruments (including pianos and organs)
 Neckwear and scarfs (men's, women's, and children's)
 Notions
 Olivine
 Optical calcite
 Oriental rugs
 Penicillin
 Phonograph records and supplies
 Phonographs
 Picture frames and mirrors
 Platinum and the platinum metals
 Potter's flint
 Pulpwood
 Pyrophyllite
 Quartz crystals
 Radio receiving sets
 Radio and phonograph combinations
 Salt (sodium chloride) in bulk
 Sapphire
 School supplies
 Sediment separators
 Sheet music
 Sillimanite
 Silver
 Smoking equipment
 Spodumene
 Sporting goods and cameras
 Stationery and books
 Stoneware clay
 Sulphur
 Talc
 Tantalite
 Tellurium
 Theobromine, alkaloids, salts and compounds
 Toilet articles and toiletries (such as cosmetics and shaving equipment)
 Totauine
 Toys and games
 Vermiculite
 Waste paper
 Wheeled goods
 Women's, misses' and children's party gowns (formal wear)
 Women's, misses' and children's ankle length slips (formal wear)

Women's, misses' and children's ankle length petticoats (formal wear)
 Women's, misses' and children's beach wear
 Women's, misses' and children's lounging pajamas
 Women's, misses' and children's negligees
 Wood pulp
 Wool: raw wool

TABLE 4—[Deleted Dec. 13, 1946.]

INTERPRETATION 1

INVENTORIES IN SEASONAL INDUSTRIES

Paragraph (c) (1) of Priorities Regulation 32 prohibits any person from accepting a delivery which will give him "more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or schedule method and rate of operation." This does not prevent a person engaged in a seasonal industry who normally stocks up inventory in advance of the season from accepting delivery of his requirements of the inventory in question, provided (a) that he is not guilty of hoarding, and (b) that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements (Issued Aug. 28, 1945.)

INTERPRETATION 2

MINIMUM SALE QUANTITIES AND PRODUCTION RUNS

(a) *Applicable provisions of the regulations.* Priorities Regulation 32 forbids the making or acceptance of a delivery which will give the customer more than the "practicable minimum working inventory reasonably necessary" for him to make his own deliveries. A similar provision in paragraph (c) (2) of Priorities Regulation No. 3 says that a customer who is applying a rating for which no specific quantities have been authorized may use it only to get the "minimum amount needed."

(b) *Factors to be considered in determining how much can be ordered and delivered.* In determining a customer's minimum inventory "reasonably necessary" under Priorities Regulation 32 or his "minimum amount needed" under Priorities Regulation No. 3, it is proper in some cases to consider not only the immediate needs of the customer's plant but also whether the amount which he orders will be a minimum production run for his supplier. The customer may order and receive (and the supplier may deliver) the customer's requirements for a longer period in advance than he actually needs at the time of delivery if, but only if, it is not practicable for him to get the item from any supplier in the smaller quantities which he presently needs. The supplier may reject his customer's order if it is less than the minimum which he regularly sells or less than his minimum production run of a product which is mass produced under the conditions explained in Interpretation 3 of Priorities Regulation 1.

(c) *Relief in exceptional cases.* If the conditions stated in paragraph (b) above cannot be satisfied but the customer wants to order or accept delivery of more than his actual needs at the time of delivery, he should apply to the Civilian Production Administration for permission, stating the facts and why it is not practicable to satisfy the condition of paragraph (b).

(d) *Special provisions for certain materials.* Where a specific minimum sale quantity is shown in Column 3 of Table 1 of Priorities Regulation 32 with respect to any material or product, that quantity controls instead of the rule in this interpretation.

(e) *Specific limits on ratings may not be exceeded.* This interpretation does not apply to the use of a rating where a specific quantity

is stated in the instrument assigning the rating. If a person is assigned a rating for a specific amount of material, he may not use it to get more. If he finds that he can only get the material in larger quantities, he should apply for a modification of the rating.

(f) *No effect on contractual rights.* The times and amounts in which deliveries are to be made are to be determined by agreement between the supplier and the customer. Nothing in this interpretation relieves a supplier from fulfilling a contract to make deliveries at specified times in specified amounts. For example, if a customer has agreed to buy and a supplier has agreed to furnish 100 units a month for six months, this interpretation does not obligate the buyer to accept 600 units delivered during the first month, although it permits him to do so under the conditions described in paragraph (b). (Issued Oct. 1, 1945.)

INTERPRETATION 3

MAKING OR DELIVERING MATERIAL EARLIER THAN REQUIRED BY CUSTOMERS

(a) Paragraph (b) of Priorities Regulation 32 prohibits a person from knowingly making a delivery which will give his customer more than the latter is permitted to receive under the regulation. Paragraph (f) of that regulation prohibits a person from processing or fabricating material if his inventory of the material in its processed or fabricated form will be more than a practicable minimum working inventory. These two restrictions should be borne in mind by any supplier who wants to make or deliver any material to his customer earlier or in greater quantities than required by the customer.

(b) For example: A supplier has accepted his customer's order of a product to be delivered at the rate of 100 a month for six months. The supplier would like to ship 200 a month for three months, or perhaps the entire 600 in the first month. Since the customer's requirements of 100 a month are presumably all he could accept within the inventory limitations of paragraph (c) of the regulation, the requirement that the supplier may not knowingly ship more than this would prevent him from delivering earlier than required by his customer, unless he received notice from his customer that the receipt of the larger amount would not cause him to have an excess inventory.

(c) Thus, before delivering a material or product substantially earlier or in greater quantities than is called for by his customer's order a supplier is requested to satisfy himself that the receipt by the customer of the changed quantities will be within the permissible inventory limitations applicable to the customer. The supplier may rely on any statement or notice to this effect from his customer, unless he knows or has reason to know that it is false.

(d) Similarly, assuming his customer would not be permitted to receive the larger quantities, the supplier should take this into account in his plans for processing the material or product so that he himself will not have an inventory greater than permitted by paragraph (f) of the regulation.

(e) This interpretation, of course, does not change the rule on delivery or acceptance of minimum sale quantities or production runs to the extent described in Interpretation 2 to this regulation, nor does it prevent earlier delivery of iron products, steel, copper and copper base alloys under the conditions described in paragraph (c) (3) of Priorities Regulation 32. Also, if any CPA order or regulation permits increased deliveries to the extent necessary to avoid shipping partly filled containers (such as paragraph (y) (4) of Order M-300), the rule in this interpretation does not prevent such deliveries. (Issued Oct. 1, 1945.)

INTERPRETATION 4
INVENTORY MATERIAL

(a) Paragraph (c) of Priorities Regulation 32 prohibits a person from accepting delivery of material if his inventory of it is, or will be, greater than the maximum prescribed. For the purpose of this regulation, material is considered to be inventory until it is actually put into process or is actually installed or assembled. Putting into process does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming or other operation unless such initial operations are part of a continuous, fabricating or assembling operation. Nor does it include operations such as inspection, testing and aging nor segregation or earmarking for a specific job or operation.

(b) For example, if a manufacturer who uses wire or rod cuts a sufficient quantity of it to length at one time to maintain his operations for a considerable period of time, the cut pieces remain as inventory until processed into another form or until assembled or installed.

(c) If a manufacturer purchases and stores steel castings in the form purchased, the steel castings are not put into process when the castings are painted and stored. Consequently, the inventory of castings includes those painted and stored.

(d) If a manufacturer shears steel sheet and stocks in sheared form, such stock is still part of his inventory, if the material does not continue in production. (Issued Aug. 28, 1945.)

INTERPRETATION 5

EFFECT OF REDUCTION IN CONSUMPTION RATE ON PERMITTED INVENTORIES

(a) Paragraph (c) of Priorities Regulation 32 prohibits the acceptance of delivery of material if a person's inventory of it is, or will be, more than the amount permitted by the regulation. If material is acquired within these restrictions the regulation does not prohibit the mere possession of an inventory if a change in circumstances makes it greater than the amount permitted. For instance, if based upon current rate of production a manufacturer's permitted inventory of one item of steel is 100 tons and he has in inventory 60 tons, he may receive a further delivery of 40 tons. If after receiving the delivery of 40 tons his rate of consumption, because of contract cancellation or the like, is reduced drastically the mere fact that he has an inventory of 100 tons, although his permitted inventory may be only 10 tons, is not a violation of the regulation. He may not, of course, accept any further deliveries of that item of steel until his inventory has been reduced below 10 tons (except as provided in paragraph (b) of Priorities Regulation 32 and Direction 3 to that regulation relating to material already shipped, special items, etc.)

(b) Similarly the regulation does not affect the liability of a customer for material in inventory when the customer cancels his contract. Such liability is controlled by the provisions of the contract between the customer and his supplier and by contract law. (Issued Aug. 28, 1945.)

[F. R. Doc. 47-1233; Filed, Feb. 6, 1947; 11:30 a. m.]

PART 1001—TIN

[Conservation Order M-43, Revocation of Direction 2]

LIMITATION ON ACCEPTING AND FILLING ORDERS BY PRODUCERS OF SOLDER, BABBITT OR ALLOYS CONTAINING TIN AND ON INVENTORIES OF USERS OF SOLDER, BABBITT AND ALLOYS CONTAINING TIN OTHER THAN COPPER BASE ALLOY

Direction 2 to Conservation Order M-43 is hereby revoked. This revocation

does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board or the Civilian Production Administration under this direction.

Inventories of solder, babbitt, or alloys containing tin remain subject to the provisions of paragraph (1) of Conservation Order M-43, as amended simultaneously with this revocation, and all other applicable orders and regulations of the Civilian Production Administration.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1232; Filed, Feb. 6, 1947; 11:30 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3; Amdt. 35]

SUGAR

A rationale for this amendment will be filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended by adding section 24.9 to read as follows:

SEC. 24.9 *Certain bulk sweetened condensed milk producers may apply for an adjustment in monthly base.* (a) A bulk sweetened condensed milk producer whose monthly base for making bulk sweetened condensed milk does not represent his normal operations for any of the reasons outlined in paragraph (b) may obtain an adjustment in base in accordance with the provisions of that paragraph. He must apply in writing to the Washington Office for such adjustment and state all facts which the claims show his need for the adjustment and the amount of the adjustment requested.

(b) (1) A producer who began making bulk sweetened condensed milk after October 1, 1945 and before September 1, 1946 and who commenced such production after the first day of the month (working day) may apply for permission to have his monthly base computed on the basis of his sugar use in the period beginning with his first full month's production of bulk sweetened condensed milk and ending on August 31, 1946. Thus a person who began making bulk sweetened condensed milk on January 23, 1946 may have his base computed on the basis of his sugar use during the period from February 1, 1946 through August 31, 1946.

(2) A producer who did not make bulk sweetened condensed milk during any month in 1945 but who did make bulk sweetened condensed milk during either 1943 or 1944 and in addition made bulk sweetened condensed milk during 1946, may request the Washington Office to establish his monthly bases in the same way such bases would be established for

* 11 F. R. 177, 14231.

a person who commenced operations after October 1, 1945. (See section 24.2 (d).)

(3) A producer whose monthly base is not representative because he ordered productive equipment before August 27, 1946 to make bulk sweetened condensed milk, may apply for permission to have his base recomputed in the following ways:

(i) If such equipment was installed in 1944, his monthly base may be computed by multiplying by 80 percent his use of sugar during each month in 1945.

(ii) If such equipment was installed at any time from January 1, 1945 to September 1, 1945, his monthly base may be computed by multiplying by 80 percent the amount of sugar he used during September, October, November and December in 1945 and by multiplying by 50 percent the amount of sugar he used during the months from January 1946 through August 1946. The results will be his new sugar bases for corresponding months.

(iii) If such equipment was installed after September 1, 1945, but before June 1, 1946, his monthly bases may be computed in the same way a base would be computed for a producer who began operations on June 1, 1946. (Such bases are computed in accordance with the provisions of paragraph 24.2 (d).)

(iv) If such equipment was not installed until after June 1, 1946, his monthly base shall be computed by the Washington Office in a way to reflect the amount of sugar to which he would have been eligible had his equipment been installed during the period from September 1, 1945 to September 1, 1946.

A person who applies for an adjustment under this paragraph must furnish the Office of Price Administration with necessary invoices and information as to the capacity of the equipment, the date the equipment was ordered, the date it was acquired, and the date it was installed.

(4) A person whose monthly bases have been established under the provisions of section 24.2 (d) who has no equipment for the manufacture of non-sugar containing products and whose bases therefore may be unrepresentative, may apply to have all of his bases for succeeding months established under the provisions of section 24.2 (d) by the application of milk production factors or bulk sweetened condensed milk production factors whichever result is higher. Only one application for such adjustment may be made under the provisions of this paragraph.

(c) A person who makes bulk sweetened condensed milk and whose equipment for making non-sugar containing products breaks down or who for reasons beyond his control cannot utilize his milk in non-sugar containing products in his normal manner and therefore suffers unreasonable hardship, may apply for a temporary adjustment in his monthly base. This paragraph does not apply in cases where the producers by taking reasonable means could remedy the emergency condition. The Office of Price Administration may require affidavits from the operator who applies under this paragraph giving detailed explanation of what steps have been taken by him to

utilize the milk in non-sugar containing products. Thus, in cases of breakdown in machinery the Office of Price Administration may require the operator to disclose what steps he has taken to repair such machinery. If the machinery has not been repaired in a reasonable time no further temporary increase in monthly base may be granted.

This amendment shall become effective February 6, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1946.

Issued this 6th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator

[F. R. Doc. 47-1235; Filed, Feb. 6, 1947;
11:39 a. m.]

Chapter XXIII—War Assets Administration

[Reg-2, Order 8]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

EXEMPTION OF FIRE-FIGHTING EQUIPMENT FROM PRIORITIES ACCORDED TO VETERANS

Section 16 (a) of the Surplus Property Act of 1944, as amended, directs that the Administrator prescribe regulations to effectuate the objectives of the act to aid veterans in the acquisition of surplus property, "in appropriate quantities and types," to enable them to establish and maintain their own small business, professional or agricultural enterprises. Section 8302.5 (b) makes provision for the priority of veterans in their acquisition of surplus personal property without prescribing any limitation as to the propriety of the type of property sought to be acquired.

It has been reported that special types of fire-fighting equipment are in critical demand by municipal and volunteer fire departments to replace old or worn equipment, principally due to the fact that production of such specialized equipment has not caught up with the demand therefor. Losses in public and private property attributable to fires for the first nine months of 1946 exceed the total losses for any entire year in the period 1932 to 1943 inclusive.

While it may appear that special fire-fighting equipment could, at added expense to the purchaser, be adapted to general purpose use by modification or conversion, or be otherwise disposed of at a speculative profit, the utility of such property generally is limited to the purpose for which it was manufactured, namely, to combat the holocaust of fire.

The Reconstruction Finance Corporation has advised that it considers the public interest and public benefit to be such as to outweigh any speculative advantage or restricted need of small business. Accordingly, certification for this class of property under the provision of section 18 (e) of the Surplus Property Act is not contemplated by the Reconstruction Finance Corporation. Accordingly, it is hereby ordered that:

§ 8302.58. *Exemption of fire-fighting equipment from priorities accorded to veterans.* The specialized utility and purpose of fire-fighting equipment is not deemed to be consistent with, or appropriate to, the needs of veterans in the establishment or maintenance of a small business, professional or agricultural enterprise, and there is hereby exempted from the general class of personal property, subject to the provisions of § 8302.5 (b) of this part, fire-fighting equipment of the following description:

1. *Fire-fighting ladder trucks.*

Makes: Seagrave, American-LaFrance, Peter Perch, Ward LaFrance, and Ahren-Fox.

Types: a. City service 4-wheeled ladder truck. (In addition to its ladder equipment it is provided with forceable entry tools, salvage covers, life nets, etc.)

b. Aerial ladder trucks, 4-wheeled. (In addition to its aerial ladder it is provided with ground ladders, forceable entry tools, salvage covers, life nets, etc.)

c. Aerial ladder truck tractor-drawn with steering wheel for tillerman. (In addition to its aerial ladder it is provided with ground ladders, forceable entry tools, salvage covers, life nets, etc.)

2. *Fire-fighting pumpers (pumping engines).*

Makes: Seagrave, American-LaFrance, Peter Perch, Ward LaFrance, Ahren-Fox, F. W. D., and the following makes with midship-mounted pumps with pumping capacity of 500 gpm and over: Kenworth, Hahn, Howe, W. D. Darley, General Detroit, Oren, Maxim, and Buffalo.

Types: a. Triple combination pumper (combination pumper, hose wagon, and booster tank). Pumping capacity 500, 750, 1,000, and 1,250 gpm.

b. Quadruple combination pumper (combination pumper, hose wagon, booster tank, and ladder truck). Pumping capacity 500, 750, 1,000, and 1,250 gpm.

3. *Crash trucks.*

Types: d. Carbon dioxide truck (refrigerated CO₂ tank)

4. *O. C. D. type pumpers.*

a. Trailer type pump (pump internal combustion engine and fire hose compartment mounted on 2-wheeled trailer).

b. Skid unit pump (pump and internal combustion engine mounted on skids).

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611), Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b), and E. O. 9689 (11 F. R. 1265))

This order shall become effective February 6, 1947.

ROBERT M. LITTLEJOHN,
Administrator

FEBRUARY 3, 1947.

[F. R. Doc. 47-1236; Filed, Feb. 6, 1947;
11:40 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order 3]

PART 5—AIR NAVIGATION

SUBPART A—REGULATIONS PRESCRIBED BY
SECRETARY OF WAR: AIRCRAFT, AIR NAVI-
GATION, AIR-NAVIGATION FACILITIES AND
AERONAUTICAL ACTIVITIES WITHIN THE
CANAL ZONE

By virtue of the authority vested in The President of the United States by section 14 of Title 2 of the Canal Zone Code, as added by section 1 of the act of July 9, 1937, 50 Stat. 486 (48 U. S. C. 1314a) and delegated to me by Executive Order No. 9746 of July 1, 1946, I hereby prescribe the following regulations governing aircraft, air navigation, air-navigation facilities and aeronautical activities within the Canal Zone:

GENERAL PROVISIONS

Sec.

5.1 Definitions.

5.2 Canal Zone set apart as military airspace reservation.

5.3 Agreements between the United States and foreign nations not affected.

AUTHORIZATION FOR ENTRANCE AND NAVIGATION OF TRANSIENT AIRCRAFT

5.11 Authorization for entrance and navigation of transient aircraft.

5.12 Application for authorization for transient aircraft.

AIR TRANSPORTATION AND AIR COMMERCE, IN GENERAL

5.21 Air transportation; qualification of air carriers and foreign air carriers.

5.22 Same; bond; terminal facilities.

5.23 Intra-Canal Zone air commerce and air transportation.

OPERATIONS SPECIFICATIONS; CERTIFICATES AND LICENSES, INSPECTION, QUARANTINE, AND CUS- TOMS

5.31 Operations specifications and regulations.

5.32 Aircraft registration and airworthiness.

5.33 Airman certificates of competency; in general.

5.34 Radio operators; qualification and licensing.

5.35 Airmen; demonstration of competency.

5.36 Maintenance and servicing of aircraft.

5.37 Inspection upon landing.

ACCIDENTS

5.41 Accidents; reports; preservation of aircraft.

NONDISCRIMINATION

5.51 Nondiscrimination; regulations as to scheduled and transient aircraft.

VIOLATIONS AND ENFORCEMENT

5.61 Falsification of permits, certificates or required statements.

5.62 Suspension and revocation of right to operate.

5.63 Punishment for violations.

5.64 Administration; detailed regulations; amendment or suspension of subpart.

REVOCATION OF PRIOR ORDERS

5.71 Revocation of prior orders and regulations.

5.72 Effective date.

AUTHORITY: §§ 5.1 to 5.72, inclusive, issued under sec. 14 of title 2 of Canal Zone Code, as added by sec. 1, of 50 Stat. 486; 48 U. S. C. 1314a; E. O. 9746, July 1, 1946, 11 F. R. 7329.

§ 5.1 *Definitions.* As used in this subpart, unless the context otherwise requires:

¹ 11 F. R. 14267, 12 F. R. 152.

(a) "Air carrier" means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation.

(b) "Air commerce" means intra-Canal Zone, overseas, or foreign air commerce or the transportation of mail by aircraft.

(c) "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment: *Provided, however* That the term "aircraft" shall not include military aircraft of the United States, i. e., aircraft of the United States Army, National Guard, Navy, Marine Corps, or Coast Guard or aircraft operated by or exclusively for the United States Army or Navy and which are subject to the air safety regulations issued by the appropriate military authority for the control of military aircraft; and none of the provisions of this subpart shall apply to such aircraft, or to the operation or navigation thereof.

(d) "Airman" means any individual who engages, as the commander, pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher, or air-traffic control-tower operator.

(e) "Air transportation" means intra-Canal Zone, overseas, or foreign air transportation, or the transportation of mail by aircraft.

(f) "Appliances" means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight) and which are not a part or parts of aircraft, aircraft engines or propellers.

(g) "Citizen of the United States" means (1) an individual who is a citizen of the United States or one of its possessions, or (2) a partnership of which each member is such an individual, or (3) a corporation or association created or organized under the laws of the United States or of any State, Territory, or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or one of its possessions.

(h) "Convention on International Civil Aviation" means the Convention on International Civil Aviation concluded at Chicago on December 7, 1944.

(i) "Foreign air carrier" means any person, not a citizen of the United States, who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in foreign air transportation.

(j) "Governor" means the Governor of The Panama Canal.

(k) "Intra-Canal Zone air commerce", "overseas air commerce", and "foreign air commerce" respectively, mean the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between, respectively—

(1) A place in the Canal Zone and any other place in the Canal Zone;

(2) A place in the Canal Zone and a place in the United States or other territory subject to its control and jurisdiction;

(3) A place in the Canal Zone and any place outside thereof other than a place in the United States or territory subject to its control and jurisdiction,

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(l) "Intra-Canal Zone air transportation", "overseas air transportation", and "foreign air transportation" respectively, means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce, between, respectively—

(1) A place in the Canal Zone and any other place in the Canal Zone;

(2) A place in the Canal Zone and a place in the United States or other territory subject to its control and jurisdiction; and

(3) A place in the Canal Zone and any place outside thereof other than a place in the United States or territory subject to its control and jurisdiction,

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(m) "Mail" means United States mail, Canal Zone mail, foreign mail entering or leaving the Canal Zone and foreign-transit mail.

(n) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(o) "Transient aircraft" includes all aircraft except those engaging in air transportation pursuant to, and within the terms of, authorizations obtained as provided in §§ 5.21 and 5.22 of this subpart.

(p) "United States" when used in a geographical sense means the continental United States of America.

§ 5.2 *Canal Zone set apart as military airspace reservation.* The airspace above the Canal Zone, including the territorial waters within the three-mile marine boundary at each end of the Canal, is hereby set apart as and declared to be a military airspace reservation, to be known as the "Canal Zone Military Airspace Reservation."

§ 5.3 *Agreements between the United States and foreign nations not affected.* Nothing contained in this subpart shall be construed to supersede or modify the provisions of any existing or subsequent

agreement between the United States and any foreign nation or nations covering the navigation of aircraft into, within, or from the United States or any territory subject to the jurisdiction thereof.

AUTHORIZATION FOR ENTRANCE AND NAVIGATION OF TRANSIENT AIRCRAFT

§ 5.11 *Authorization for entrance and navigation of transient aircraft.* No transient aircraft shall be navigated into, within, or from the Canal Zone Military Airspace Reservation except under and in compliance with an authorization granted (a) by the Secretary of State after consultation with the Secretary of War in the case of transient aircraft a part of the armed forces of any foreign nation, or (b) in the case of all other transient aircraft, by the Commanding General, Caribbean Defense Command, or by the Secretary of War. For the purposes of §§ 5.11 and 5.12, an aircraft shall be deemed to be a part of the armed forces of a foreign nation when it is used in the service of the army, navy, national police, national guard, or other similar agency of a government or of a political subdivision thereof. An aircraft which is government-owned but is engaged in the carriage of persons or property for commercial purposes shall not be deemed an aircraft part of the armed forces of any foreign nation.

§ 5.12 *Application for authorization for transient aircraft.* Application for authorization under § 5.11 to navigate transient aircraft into, within, or from the Canal Zone Military Airspace Reservation shall be submitted in the manner and form prescribed by the Commanding General, Caribbean Defense Command, with the approval of the Secretary of War and of the Secretary of State so far as they respectively have jurisdiction with respect to particular classes of flights.

AIR TRANSPORTATION AND AIR COMMERCE, IN GENERAL

§ 5.21 *Air transportation; qualification of air carriers and foreign air carriers.* No air carrier or foreign air carrier shall engage in air transportation into, within, or from the Canal Zone Military Airspace Reservation unless it has complied, and continues to comply, with the applicable laws of the United States, the applicable rules and regulations prescribed by the competent aeronautical authorities of the United States, and the rules and regulations prescribed by the Governor pursuant to this subpart.

§ 5.22 *Same; bond; terminal facilities.* The Governor may require any air carrier or foreign air carrier, as a condition of entry into the Canal Zone Military Airspace Reservation:

(a) To furnish a bond, in such amount and containing such terms as may be satisfactory to the Governor, or in lieu thereof to deposit cash, conditioned upon the full satisfaction of all lawful judgments rendered against such air carrier or foreign air carrier as a result of operations into, within, or from the Canal Zone Military Airspace Reservation; and

(b) To demonstrate to the satisfaction of the Governor that it has avail-

able for use or is able and willing to provide and maintain adequate terminal facilities as required by the Governor: *Provided*, That as to air carriers and foreign air carriers engaged in scheduled services, such requirements shall be imposed without distinction as to nationality.

§ 5.23 *Intra-Canal Zone air commerce and air transportation.* Intra-Canal Zone air commerce and air transportation shall be prohibited to all aircraft.

OPERATIONS SPECIFICATIONS; CERTIFICATES AND LICENSES, INSPECTION, QUARANTINE, AND CUSTOMS

§ 5.31 *Operations specifications and regulations.* Operations specifications and regulations governing operation of aircraft into, within, or from the Canal Zone Military Airspace Reservation shall be those prescribed by the competent aeronautical authorities of the United States: *Provided*, That the Governor may prescribe such modifications thereof and such additional operations specifications or regulations, with respect to the Canal Zone Military Airspace Reservation, as he may find to be reasonably necessary to assure military security and safety in air navigation: *Provided further*, That the Governor shall not reduce any minimum standard prescribed by the competent aeronautical authorities of the United States without the prior concurrence of such authorities: *And provided further* That the Governor shall promptly notify such authorities of all modifications or additions prescribed by him. Such operations specifications and regulations may include terms, conditions, or limitations respecting:

- Schedule and flight plans.
- Routes.
- Landing areas.
- Landing restrictions.
- Aircraft.
- Aircraft identification.
- Aircraft appliances.
- Flight and operation rules.
- Aircraft signals.
- Documents to be carried on board.
- Articles permitted on board.
- Qualifications of airmen and flight radio operators.
- Use of narcotics or intoxicants by persons on board.
- Limit of stay.
- Clearance.
- Communications procedures.
- Meteorological facilities, classification and services.
- Reports.
- Model aircraft.

§ 5.32 *Aircraft registration and airworthiness.* No aircraft shall be navigated into, within, or from the Canal Zone Military Airspace Reservation whatever the purpose or nature of the flight may be:

(a) Unless such aircraft is possessed of currently effective aircraft registration and airworthiness certificates issued by the competent aeronautical authorities of the United States; or

(b) Unless such aircraft, if foreign, is registered in, or, in the case of public unregistered aircraft, owned by, a foreign nation which accords recognition to airworthiness certificates issued by the

United States, and such aircraft is possessed of a currently effective aircraft airworthiness certificate issued or rendered valid by the nation in which the aircraft is registered, or owned in the case of public unregistered aircraft, in which case the foreign certificate of airworthiness shall be recognized as valid for flights into or over the Canal Zone Military Airspace Reservation: *Provided, however* That after the coming into force of the Convention on International Civil Aviation no foreign aircraft shall be permitted to enter or fly over the Canal Zone Military Airspace Reservation unless it is possessed of a currently effective aircraft airworthiness certificate issued or rendered valid by the nation in which the aircraft is registered, or by the nation of ownership in the case of public unregistered aircraft, under requirements equal to or above the minimum standards which may be established from time to time pursuant to that convention.

§ 5.33 *Airman certificates of competency; in general.* Airmen operating into, within, or from the Canal Zone Military Airspace Reservation or serving as such within the Canal Zone shall be certificated by the competent aeronautical authorities of the United States for the type of operation or service in which they are engaged, and shall comply with the regulations of the competent aeronautical authorities of the United States with respect to such certification: *Provided, however*, That members of the operating crew serving exclusively on aircraft of foreign registry or on foreign public unregistered aircraft may, in lieu of such certificates, possess a currently effective certificate of competency for the type of operation in which they are engaged, issued or rendered valid by the nation in which the aircraft is registered or owned, if such nation accords similar recognition to certificates of competency issued by the United States, and if, after the coming into force of the Convention on International Civil Aviation, such certificate is issued or rendered valid under requirements equal to or above the minimum standards which may be established from time to time pursuant to that convention.

§ 5.34 *Radio operators; qualification and licensing.* Radio operators serving on board aircraft operating into, within, or from the Canal Zone Military Airspace Reservation shall be qualified and licensed in accordance with the laws and regulations governing such qualification and licensing for operation in the United States, or, in the case of radio operators serving on board aircraft of foreign registry, or, in the case of public unregistered aircraft, of foreign ownership, qualified and licensed in accordance with the laws and regulations of the nation of registry or ownership: *Provided*, That, after the coming into force of the Convention on International Civil Aviation, the requirements under which such operators are qualified and licensed must be equal to or above the minimum standards which may be established from time to time pursuant to that convention.

§ 5.35 *Airmen, demonstration of competency.* In the interests of safety and in view of the special problems arising as the result of the operation of aircraft within the Canal Zone Military Airspace Reservation, where it affirmatively appears that an airman or flight radio operator may lack the skill or proficiency requisite for the safe performance of his function, he may, as a condition of further performance of such functions in the Canal Zone Military Airspace Reservation, be examined and required to demonstrate his ability to comply satisfactorily with the rules and regulations regarding military security and safety in air navigation in the Canal Zone Military Airspace Reservation.

§ 5.36 *Maintenance and servicing of aircraft.* Maintenance, servicing and repair in the Canal Zone of aircraft, engines, propellers, or appliances shall be performed by or be in the charge and supervision of an airman possessed of an appropriate mechanic's certificate issued by the competent aeronautical authorities of the United States.

§ 5.37 *Inspection upon landing.* Aircraft landing within the Canal Zone, and their contents, crew and passengers, shall be subject to inspection by the persons designated by the Governor. Such inspection may include examination of the aircraft registration and airworthiness certificates and the certificates and licenses of the crew, search for prohibited articles, and inspection under the applicable laws and regulations respecting quarantine, health, immigration, customs and the police. In the interests of safety and in view of the special problems arising as a result of the operation of aircraft within the Canal Zone Military Airspace Reservation, where it affirmatively appears that the aircraft or any component part thereof is in an unsafe condition, such inspection may also include examination of the aircraft, its engines, propellers and appliances to ensure compliance with the rules and regulations regarding military security and safety in air navigation in the Canal Zone Military Airspace Reservation.

ACCIDENTS

§ 5.41 *Accidents; reports; preservation of aircraft.* Injury or damage to persons or property from accidents involving aircraft while being operated as such shall be reported in accordance with regulations prescribed by the competent aeronautical authorities of the United States and any aircraft, engine, propeller or appliance affected by or involved in such an accident shall be preserved in accordance with regulations prescribed by such authorities: *Provided*, That the Commanding General, Caribbean Defense Command, may prescribe such modifications of or additions to any such regulations with respect to the Canal Zone Military Airspace Reservation as may be reasonably necessary to assure safety and military security.

NON-DISCRIMINATION

§ 5.51 *Non-discrimination, regulations as to scheduled and transient air-*

craft. As to all civil aircraft engaged in scheduled airline services, whether registered in the United States or elsewhere, and as to all transient civil aircraft of foreign registry, the regulations prescribed by the Governor under §§ 5.22, 5.31, and 5.64 and by the Commanding General, Caribbean Defense Command, under § 5.41 shall be without distinction as to nationality.

VIOLATIONS AND ENFORCEMENT

§ 5.61 *Falsification of permits, certificates or required statements.* No person shall, within the Canal Zone or the Canal Zone Military Airspace Reservation:

(a) Fraudulently forge, counterfeit, alter, or falsely make any aircraft registration or airworthiness certificate, or any permit or certificate of whatsoever nature issued by any agency or representative of the United States, or of a foreign nation; or —

(b) Knowingly use any such fraudulently forged, counterfeited, altered, or falsely made certificate or permit; or

(c) Knowingly falsify or misrepresent any information required under this subpart or the regulations contemplated herein, whether such regulations are issued by the Governor or by other competent authority of the United States.

§ 5.62 *Suspension and revocation of right to operate.* The Governor, after investigation and upon notice and hearing, may suspend or revoke the right of any airman or flight radio operator to perform his function within the Canal Zone Military Airspace Reservation, if interests of military security or safety in air navigation so require. In cases of emergency such suspension may be ordered for a period not in excess of thirty days, without regard to any requirement as to notice and hearing. In such event the Governor shall immediately give notice of such suspension to such airman or flight radio operator and shall enter upon a hearing which shall be disposed of as speedily as possible. During the pendency of the proceeding, the Governor may order a further suspension for an additional period not in excess of thirty days.

§ 5.63 *Punishment for violations.* Any person who shall, within the Canal Zone or the Canal Zone Military Airspace Reservation, violate any of the provisions of this subpart or the regulations contemplated herein, whether such regulations are issued by the Governor or by other competent authority of the United States, shall be punishable as provided in section 14 of Title 2 of the Canal Zone Code, as added by section 1 of the act of July 9, 1937, 50 Stat. 486 (48 U. S. C. 1314a) by a fine of not more than \$500, or by imprisonment in jail for not more than one year, or by both.

§ 5.64 *Administration; detailed regulations; amendment or suspension of subpart.* Except as otherwise specifically provided in this subpart, the provisions of the subpart shall be administered and enforced by the Governor, or by such persons as he may authorize,

and shall be so administered and enforced subject to the provisions of section 8 of Title 2 of the Canal Zone Code and of any Executive order prescribed under said section 8, including Executive Order No. 8232 of September 5, 1939 (3 CFR, Cum. Supp.) The Governor is hereby authorized, subject to the provisions hereinbefore referred to, to make, in addition to the rules and regulations expressly authorized in this subpart, such detailed rules and regulations as may be necessary to carry into effect the provisions of this subpart. The Governor is further authorized to establish reasonable charges for the use of Canal Zone aeronautical facilities by persons operating aircraft, such charges to be apart from and in addition to the rental which may be charged for use of particular areas. Such rules and regulations as the Governor may make under the authority granted by this subpart, where coordination with military and naval air activities is necessary, shall be made only after consultation with, and with the concurrence of, the respective officers commanding the military and naval forces stationed in the Canal Zone, who shall promulgate and enforce correspondingly pertinent regulations for military and naval aircraft.

REVOCATION OF PRIOR ORDERS

§ 5.71 *Revocation of prior orders and regulations.* There are hereby superseded Executive Order No. 5047 of February 18, 1929, prescribing regulations to govern air navigation in the Canal Zone; Executive Order No. 8251 of September 12, 1939 (4 F. R. 3899; 3 C. F. R., Cum. Supp.) prescribing regulations governing the entrance of foreign and domestic aircraft into the Canal Zone, and navigation therein; Executive Order No. 8271 of October 16, 1939 (4 F. R. 4277; 3 C. F. R., Cum. Supp.) amending section 6 of Executive Order No. 8251; and the regulations to govern air navigation in the Canal Zone promulgated by the Secretary of State as revised to June 23, 1934 (35 CFR 5.19 to 5.112).

§ 5.72 *Effective date.* This subpart shall take effect on the sixtieth day after the date of its promulgation.

ROBERT P. PATTERSON,
Secretary of War.

JANUARY 21, 1947.

[F. R. Doc. 47-1159; Filed, Feb. 6, 1947; 8:55 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 19—TRANSPORTATION OF MAILS

MAILS FOR ALASKA

Correction

In Federal Register Document 47-909, appearing on page 705 of the issue for Friday, January 31, 1947, "§ 19.5" should be designated "§ 19.4a"

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 9—AVIATION RADIO SERVICES

LICENSE PERIOD

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947:

Whereas, it appears that public interest, convenience and necessity will be served by immediately extending the normal license periods for stations in the aviation radio service; and

It is ordered, That § 9.21 of the Commission's rules and regulations, be, and it is hereby, amended to read as follows:

§ 9.21 *License period.* The normal license periods for all stations in the aeronautical radiocommunications service, unless otherwise stated in the instrument of authorization, shall be as follows:

(a) For station in the aeronautical radiocommunications service, other than non-carrier aircraft stations, a license period of 5 years.

(b) For non-carrier aircraft stations in the aeronautical radiocommunications service, a license period of 2 years, expiring on the first day of the following month 2 years after the license is issued.

It is further found and ordered, That whereas, authority for this order is contained in sections 303 (f) 303 (r) and 307 of the Communications Act of 1934, as amended, and the effect of the order is to extend the term of a license privilege and is non-controversial, and it is in the public interest that this order should be made effective immediately, notice of proposed rule making as required by section 4 of the Administrative Procedure Act is hereby, found unnecessary, and this order should be, and it is hereby made effective immediately.

(Sec. 303 (f) 303 (r), 307, 48 Stat. 1032, 1033, 50 Stat. 191, 47 U. S. C. 303 (f) 303 (r), 307)

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1151; Filed, Feb. 6, 1947; 8:58 a. m.]

PART 16—RAILROAD RADIO SERVICE

PART 17—STATIONS IN THE UTILITY RADIO SERVICE

FREQUENCY TOLERANCE FOR CERTAIN LOW POWER RADIO TRANSMITTERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947:

Whereas, on December 20, 1946, the Commission duly published, and also distributed, a notice of proposed rule making (12 F. R. 184) proposing the revision of rules and regulations governing the

RULES AND REGULATIONS

frequency tolerance of low power equipment in the Railroad and Utility Radio Services; and

Whereas, the period in which interested parties were afforded an opportunity to submit comment expired on January 13, 1947, and the Commission has not received any comments in opposition to the proposed revision of these rules;

It is ordered, That §§ 16.63 and 16.64 of the Commission's rules and regulations governing railroad radio services and §§ 17.142 and 17.146 of rules and regulations governing utility radio services be, and they are hereby, amended to read as follows:

§ 16.63 *Channel width and modulation.* (a) In the frequency band 30-100 Mc, the width of each channel assigned is 40 kc; in the 100-216 Mc band, the channel width is 60 kc. Each frequency which appears on a station license or other instrument of station authorization is the center or mid-point of a frequency channel. All emissions outside of an assigned channel shall be attenuated at least sixty (60) decibels below the maximum level of emissions within the assigned frequency channel.

(b) When the radio frequency carrier is amplitude modulated, modulation shall be sufficient to provide effective one hundred percent on peaks.

(c) When the radio frequency carrier is frequency modulated, the positive or the negative frequency deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not

exceed one-half the assigned channel width.

§ 16.64 *Frequency stability.* (a) A railroad radio service permittee or licensee shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency, except as provided in paragraph (b) of this section:

	Percent
(1) Below 50 mc-----	0.01
(2) Above 50 mc-----	.005

(b) The requirements of paragraph (a) of this section shall not apply to any mobile or portable station or transmitter unit thereof when operated with less than three watts plate power input to the final radio stage. For such equipment, compliance with the requirements of § 16.63 regarding channel width and modulation is sufficient.

§ 17.142 *Frequency stability.* (a) A utility radio service permittee or licensee shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency; except as provided in paragraph (b) of this section.

	Percent
(1) Below 50 mc-----	0.01
(2) Above 50 mc-----	.005

(b) The requirements of paragraph (a) of this section shall not apply to any mobile or portable station or transmitter unit thereof when operated with less than three watts plate power input to the final radio-stage. For such equipment, compliance with the requirements

of § 17.146 regarding channel width and modulation is sufficient.

§ 17.146 *Channel width and modulation.* (a) In the frequency band 30-100 Mc, the width of each channel assigned is 40 kc; in the 100-216 Mc band the channel width is 60 kc. Each frequency which appears on a station license or other instrument of station authorization is the center or midpoint of a frequency channel. All emissions outside of an assigned channel shall be attenuated at least sixty (60) decibels below the maximum level of emissions within the assigned frequency channel.

(b) When the radio frequency carrier is amplitude modulated, modulation shall be sufficient to provide effective communication, but shall not exceed one hundred percent on peaks.

(c) When the radio frequency carrier is frequency modulated, the positive or the negative frequency deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not exceed one-half the assigned channel width.

This order shall become effective March 7, 1947.

(Sec. 303 (e) 303 (f) 48 Stat. 1082; 47 U. S. C. 303 (e) 303 (f))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1150; Filed, Feb. 6, 1947; 8:58 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8032]

JOHN BOERIU

In re: Trust created by order of Court in the estate of John Boeriu, also known as John Boerin, deceased. File D-57-300; E. T. sec. 7930.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Boeriu and Spiridon Boeriu, whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created by order of the Probate Court of Summit County Ohio, in the Estate of John Boeriu, also known as John Boerin, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Rumania),

3. That such property is in the process of administration by Pete Chima, as trustee, acting under the judicial supervision of the Probate Court of Summit County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and

Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1160; Filed, Feb. 6, 1947; 8:55 a. m.]

[Vesting Order 8037]

STEVE EVANOFF

In re: Estate of Steve Evanoff. File D-11-98; E. T. sec. 15268.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Evgenia Evanoff, in and to the Estate of Steve Evanoff, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Bulgaria, namely,

National and Last Known Address

Evegenia Evanoff, Bulgaria.

That such property is in the process of administration by Ben H. Brown, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Bulgaria)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1161; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8038]

ALBERT FABER

In re: Estate of Albert Faber. File D-28-11003; E. T. sec. 15385.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Saloman Faber and Anna, called Jenny, Herz, and each of them, in and to the Estate of Albert Faber, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Saloman Faber, Germany. —
Anna, called Jenny, Herz, Germany.

That such property is in the process of administration by Hugh P. Cooper, as Administrator, acting under the judicial supervision of the District Court of the

State of New Mexico, in and for the County of Bernalillo,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1162; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8040]

ELIZABETH FROEHLICH

In re: Estate of Elizabeth Froehlich, deceased. File 017-20528.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Johanna Schafer in and to the estate of Elizabeth Froehlich, deceased, is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Johanna Schafer, Germany.

That such property is in the process of administration by Julia Trofer as Executrix of the Estate of Elizabeth Froehlich, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany;

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1163; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8044]

JOHANNA GENANDT

In re: Estate of Johanna Genandt, a/k/a, Jane Genandt, deceased. File D-28-10654; E. T. sec. 15006.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Helene Kamm in and to the Estate of Johanna Genandt also known as Jane Genandt, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Helene Kamm, Germany.

That such property is in the process of administration by Louis P. Bertoni, as Administrator, acting under the judicial supervision of the Passaic County Orphans' Court, Paterson, New Jersey;

And determined, that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1164; Filed, Feb. 6, 1947;
8:56 a. m.]

[Vesting Order 8091]

LILLY BREUSCH ET AL.

In re: Bond and corporate stock owned by and debt owing to Lilly Breusch, Lydia Walz and the personal representatives, heirs, next of kin, legatees and distributees of Mary Louise Walz, deceased. F-28-27945-A-1, F-28-27945-C-1, F-28-27945-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lilly Breusch and Lydia Walz, whose last known addresses are respectively Goepfingen, Wuerttemberg, Germany, and 65 Strausweg, Stuttgart, Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the personal representatives, heirs, next of kin, legatees and distributees of Mary Louise Walz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. One (1) City of Hartford, Connecticut, Connecticut River Bridge General Obligation 3½% Bond, due July 1, 1954, of \$1,000 face value, bearing the number 9, registered in the name of Mary Louise Walz, together with any and all rights thereunder and thereto,

b. That certain obligation of The City of New York, New York, matured or unmatured, evidenced by certificate number 438 for 3½% Corporate Stock of The City of New York, issued for New Buildings, Department of Charities, due November 1, 1953, of \$1,000 face value, and registered in the name of Mrs. Mary Louise Walz, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

c. All those debts or other obligations owing to Lilly Breusch, Lydia Walz and the personal representatives, heirs, next of kin, legatees and distributees of Mary Louise Walz, deceased, by John A. Walz, 42 Garden Street, Cambridge 38, Massachusetts, including particularly but not limited to a portion of the sum of money on deposit with the Cambridge Savings Bank, 1374 Massachusetts Avenue, Cambridge, Massachusetts, in a savings ac-

count, Account Number 95147, entitled John A. Walz, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 and the personal representatives, heirs, next of kin, legatees and distributees of Mary Louise Walz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1170; Filed, Feb. 6, 1947;
8:57 a. m.]

[Vesting Order 8046]

SAMUEL GUTMANN

In re: Trust under the will of Samuel Gutmann, deceased. File D-28-2202; E. T. sec. 3016.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Katzenstein and Alfred Katzenstein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of Samuel Gutmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by The Central Trust Company and Ludwig Stricker, as Co-trustees, acting under the judicial supervision of the Probate Court of Hamilton County Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1165; Filed, Feb. 6, 1947;
8:56 a. m.]

[Vesting Order 8048]

ANTON MERKEL

In re: Estate of Anton Merkel. File D-28-10742; E. T. sec. 15108.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Anna Wengert, Helen Rohr, Anton Fuchs, Luise Fuchs, Elsa Greulich, and Alfons Fuchs, and each of them, in and to the Estate of Anton Merkel, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany namely.

Nationals and Last Known Address

Anna Wengert, Germany.
Helen Rohr, Germany.
Anton Fuchs, Germany.
Luise Fuchs, Germany.
Elsa Greulich, Germany.
Alfons Fuchs, Germany.

That such property is in the process of administration by Eugene Fuchs, as Administrator, acting under the judicial supervision of the Superior Court of the

State of California, in and for the County of Los Angeles,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1166; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8055]

MICHAEL SCHWENK

In re: Estate of Michael Schwenk, deceased. File D-28-10559; E. T. sec. 14960.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Marie Kranich in and to the estate of Michael Schwenk, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Marie Kranich, Germany.

That such property is in the process of administration by Fannie B. Crosby, as Administratrix C. T. A., acting under the judicial supervision of the Surrogate's Court of Niagara County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1167; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8058]

JOHN B. STEMMLER

In re: Estate of John B. Stemmler, deceased. File D-28-3865; E. T. sec. 6608.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Stemmler, Katherine Stahlheber, Elizabeth Schlitt, Rev. Adolph Stemmler and Rev. Theodore Schlitt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the issue of Katherine Stahlheber, the issue of Elizabeth Schlitt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John B. Stemmler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by Rev. Theodore J. Winterroth, as Executor, acting under the judicial supervision of the Surrogate's Court of Chemung County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue of Katherine Stahlheber, the issue of Elizabeth Schlitt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1163; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8090]

HAROLD SHOICHI TODA AND KATHERINE TODA

In re: Bonds owned by Harold Shoichi Toda and Katherine Toda.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harold Shoichi Toda and Katherine Toda, whose last known address is 7 Aobacho, Shibuya-Ku, Tokyo, Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That the property described as follows:

a. One (1) United States Savings Bond, due September, 1946, of \$1,000 face value, bearing the number M313761B, registered in the name of Mr. Harold Shoichi Toda or Miss Katherine Toda, presently in the custody of Martha Toda, 19 Compton Street, New Haven 11, Connecticut, together with any and all rights thereunder and thereto, and

b. One (1) United States Savings Bond, due July, 1948, of \$1,000 face value, bearing the number M827000C, registered in the name of Harold Shoichi Toda or Katherine Toda, presently in the custody of Martha Toda, 19 Compton Street, New Haven 11, Connecticut, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

[F. R. Doc. 47-1169; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8104]

HERMINE BIERLING

In re: Bonds owned by Anna Hermine Bierling. F-28-2096-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Hermine Bierling, whose last known address is Erlweinstrasse 6, Dresden, Germany, is a resident of Germany, and a national of a designated enemy country (Germany)

2. That the property described as follows: Two (2) The Central Railroad Co. of New Jersey, General First Mortgage 5% Coupon Bearer Bonds, due July 1, 1987, of \$1,000 face value each, bearing the numbers 11289 and 21390, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all rights thereunder and thereto, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

[F. R. Doc. 47-1171; Filed, Feb. 6, 1947; 8:57 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

LABOR DISPUTES

FILING OF NOTICES

Section 8 of the War Labor Disputes Act (57 Stat. 167, 50 U. S. C. A., App., Sec. 1508) provides that notices of any labor dispute which threatens seriously to interrupt war production must be filed by the representative of the employees of a war contractor with the Secretary of Labor, the National War Labor Board and the National Labor Relations Board. The functions of the National War Labor Board with respect to the receipt of notices under section 8 of the War Labor Disputes Act have been transferred to the Secretary of Labor, effective February 24, 1947 (Executive Orders 9672, 11 F. R. 221, and 9809, 11 F. R. 14281). Accordingly, notice is hereby given that from and after the effective date of such transfer, for purposes of compliance with the obligation to file such notices with the Secretary of Labor, the filing of a single notice shall be deemed to be sufficient. Under the act, such notices must also be filed with the National Labor Relations Board.

Signed at Washington, D. C., this 1st day of February 1947.

L. B. SCHWELLENBACH
Secretary of Labor

[F. R. Doc. 47-1155; Filed, Feb. 6, 1947; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-139]

ACCIDENT AT NEW ORLEANS, LA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 88897 which occurred at New Orleans, La., on December 19, 1946.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as

amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, February 10, 1947 at 9:30 a. m. (local time) in Court Room 306, Dade County Court House, Miami, Florida.

Dated at Washington, D. C., January 31, 1947.

[SEAL]

W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 47-1145; Filed, Feb. 6, 1947; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

SPECIFIC CLASS B FM CHANNELS

REQUEST BY APPLICANTS

JANUARY 9, 1947.

In announcing the tentative allocation plan for Class B FM broadcast stations on December 19, 1945, the Commission stated (12 F. R. 503)

This plan is published as a guide regarding the manner in which the Commission expects to allocate FM channels throughout the country. The Commission wishes to emphasize that this allocation pattern is tentative only, that the channels listed for particular cities (and their areas) will not be followed in a hard and fast manner and that departures will be made from the plan wherever it is found desirable or necessary to do so.

The Commission further stated:

In several instances there appears a lack of sufficient channels to meet the probable need for assignments. When the demand grows in these areas, it is usually possible to re-allocate channels from adjacent areas where the demand is less and where service may already be sufficient. As a result, a lack of channel listing for a particular locality does not necessarily mean that a channel cannot be made available there, should the need develop.

On September 3, 1946, the tentative allocation plan was re-issued to include the changes (more than 100) made up to that date. The public notice of that date re-emphasized the tentative nature of the allocation plan and pointed out that deviations therefrom would be made wherever it was found desirable or necessary.

In accordance with the foregoing, persons interested in filing applications for Class B FM stations for cities or areas to which no channel has been allocated or where previous grants have exhausted all allocated channels will be permitted to file an application specifying a particular channel. Similarly, persons with applications now on file for cities or areas where previous grants have exhausted all allocated channels may amend their application to specify a particular channel. In all such cases where a grant of the application for the channel specified would require a rearrangement of the tentative allocation plan, the applicant will be required to submit with his application or amendment an exhibit explaining in detail the proposed rearrangement and setting forth the facts which it is claimed justify the proposed rearrangement. In instances where any question exists con-

cerning the relative need for the specific channel in the cities or areas involved, the application will be set for hearing.

The Commission's engineering staff will be glad to assist prospective applicants and their engineers in attempting to work out such rearrangements in the tentative allocation plan.

In applying the procedure outlined above, the Commission does not contemplate a general rearrangement of the tentative allocation plan. Use of the procedure will be confined to cases where experience has demonstrated that the tentative allocation plan does not conform to the demands for FM service in the cities or areas involved. In general, the procedure will not be followed in instances where its application would result in shifting a channel from a smaller community or rural area to a larger city or metropolitan area without providing an equivalent channel for the community or area thus deprived. Furthermore, the procedure will not be applied to result in shifting a channel to New York City, or other similar large cities, from surrounding smaller cities.

The Commission reserves the right to grant to any community a channel allocated to that community in the tentative allocation plan notwithstanding the pendency of another application or petition which requests that particular channel be reallocated and granted in another community.

The Commission further reserves the right, in the future as in the past, to make changes in the tentative allocation plan to provide a fair, efficient, and equitable distribution of FM facilities among the several states and communities within section 307 (b) of the Communications Act of 1934.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1152; Filed, Feb. 6, 1947;
8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6021]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE
OF BONDS

FEBRUARY 4, 1947.

Notice is hereby given that, on January 31, 1947, the Federal Power Commission issued its order entered January 31, 1947, authorizing issuance of bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1149; Filed, Feb. 6, 1947;
8:57 a. m.]

[Docket No. G-835]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

JANUARY 31, 1947.

Upon consideration of the application filed December 30, 1946, in Docket No.

No. 27—4

G-835 by Consolidated Gas Utilities Corporation (Applicant) a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following facilities and to transport natural gas for Cities Service Gas Company (Cities Service) from a point near Wichita, Kansas to Hutchinson and Lyons, Kansas:

(1) A measuring station and facilities to be installed at a connection between the pipe line of Applicant and the pipe line of Cities Service Gas Company in the North Half of Section 31, Township 23 South, Range 5 West, Reno County, Kansas;

(2) A meter installation to be installed at a connection between the pipe line of Applicant and the pipe line of Cities Service Gas Company in the Northeast Quarter of Section 10, Township 20 South, Range 8 West, Rice County, Kansas;

(3) A measuring station and facilities to be installed at a connection between the 14-inch pipe line of Applicant and the 20-inch pipe line of the Cities Service Gas Company in the center of the Northwest Quarter of Section 24, Township 28 South, Range 1 West, Sedgwick County, Kansas.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of transporting natural gas for the account of Cities Service; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of Practice and Procedure (effective September 11, 1946) applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 15, 1947 (12 F. R. 242),

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946) a hearing be held on the 21st day of February, 1947, at 9:30 a. m. (e. s. t.) in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the applications filed in the above-entitled proceedings; *Provided, however*, That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incor-

porated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of Issuance: February 4, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1157; Filed, Feb. 6, 1947;
8:53 a. m.]

[Docket No. G-826]

MINNESOTA NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JANUARY 21, 1947.

Upon consideration of the complaint filed December 6, 1946, pursuant to the provisions of sections 4 (a) 4 (b) and 5 (a) of the Natural Gas Act, as amended, by Minnesota Natural Gas Company (Minnesota Natural) against Northern Natural Gas Company (Northern Natural), and the answer thereto as filed by Northern Natural on December 26, 1946; and

It appearing to the Commission that:

(a) Minnesota Natural, a Minnesota corporation engaged in the distribution of natural gas at retail in the city of Worthington, and the village of Lakefield, both in Minnesota, in said complaint alleges, among other things:

(1) That it purchases its entire supply of natural gas from Northern Natural and takes delivery thereof at a point known as Lakefield corner, Minnesota, at the end of a 20-mile 6-inch branch transmission pipeline owned and operated by Northern Natural.

(2) That Minnesota Natural transports the gas to supply the city of Worthington a distance of approximately 21.3 miles westerly from Lakefield corner at its own expense, through a 4-inch pipeline which it owns.

(3) That natural gas to supply the Village of Lakefield is transported 4 miles in a northerly direction through a 2-inch pipeline owned and operated by Northern Natural from said Lakefield corner to the point of delivery to Minnesota Natural at the town border, but that such gas is metered to Minnesota Natural at said Lakefield corner.

(4) That the 6-inch pipeline referred to in paragraph (1) above also transports gas to supply the city of Jackson, Minnesota, and delivery thereof is made at the corporate limits to Peoples Natural Gas Company, the distributor.

(5) That with very few exceptions Northern Natural delivers natural gas to its distributing company customers at town border stations situated at or adjacent to the corporate limits of the municipalities where distribution is made, and in many instances after transportation for great distances through branch

transmission pipelines owned and operated by Northern Natural, whereas Minnesota Natural is required to receive delivery 21.3 miles east of Worthington and to transport such gas to Worthington through its own pipeline and at its own expense.

(6) That the rates and charges demanded and received of Minnesota Natural are the same as those demanded and received by Northern Natural for gas delivered at town border stations at or adjacent to the corporate limits of the municipality where the gas is distributed.

(7) That over a long period of time Minnesota Natural has sought unsuccessfully to induce Northern Natural to purchase and operate said 21.3 miles of 4-inch pipeline so that Minnesota Natural could be afforded the same character of service as is rendered by Northern Natural to other gas distributing companies similarly situated by receiving delivery at the town border stations situated at or near the corporate limits of Worthington and Lakefield.

(8) That although the demand for natural gas at Worthington has increased to such an extent that the 4-inch pipeline extending westerly from Lakefield corner to Worthington is inadequate to provide for the present and future gas requirements at Worthington, Northern Natural has refused to undertake to provide additional transmission facilities to augment deliveries to Worthington although requested so to do.

(9) That in failing and refusing to make delivery of natural gas to Minnesota Natural at or near the corporate limits of Worthington and Lakefield, Northern Natural is subjecting the complainant to undue prejudice and disadvantage and is maintaining an unreasonable difference in service or facilities between Minnesota Natural and other gas distributing companies similarly situated, and between the city of Worthington and the village of Lakefield and other localities. That by its unreasonable, arbitrary and discriminatory action, Northern Natural is violating the terms and provisions of sections 4 (a) and 4 (b) of the Natural Gas Act, as amended.

(10) That in failing and refusing to undertake to provide additional transmission facilities to augment the delivery of natural gas at Worthington, Northern Natural is subjecting Minnesota Natural to undue prejudice and disadvantage and Northern Natural is maintaining an unreasonable difference in service or facilities between Minnesota Natural at Worthington and other localities, by which unreasonable, arbitrary, and discriminatory action Northern Natural is violating the terms and provisions of section 4 (b) of the Natural Gas Act.

(b) Minnesota Natural, in said complaint, prays, among other things, that the Commission enter an order requiring Northern Natural to acquire from Minnesota Natural, at a cost to be determined by the Commission, the 21.3 miles of 4-inch pipeline extending from said Lakefield corner to Worthington, and also requiring Northern Natural to immediately undertake to increase the present

pipeline facilities between Lakefield corner and Worthington, and to deliver at town border stations near the corporate limits of Worthington and Lakefield natural gas in volumes sufficient to supply Minnesota Natural's firm gas requirements at Worthington and Lakefield.

(c) Northern Natural, on December 26, 1946, filed with the Commission an answer to said complaint of Minnesota Natural making general denial of the allegations contained in such complaint and mentioned in paragraphs (a) (7) thru (a) (10) hereinbefore, and more specifically alleged, among other things:

(1) That prior to the initial delivery of natural gas by Northern Natural to Minnesota Natural on December 9, 1939, Minnesota Natural voluntarily agreed to and did construct, according to its own design, the said 21.3 miles of 4-inch pipeline referred to in paragraph (a) (2) above.

(2) That Northern Natural now owns and operates a certain 6-inch branch transmission pipeline extending from a point on its 16-inch main natural-gas transmission pipeline near the southeast corner of Jackson County, Minnesota, in a northwesterly direction a distance of approximately 9.8 miles to the City of Jackson, thence westwardly a distance of approximately 9.7 miles toward Worthington, Minnesota, to a point of interconnection with the said 4-inch pipeline of Minnesota Natural. That such 6-inch pipeline of Northern Natural was at the time of its construction designed for deliveries of gas in excess of the firm natural gas requirements of the city of Jackson and environs thereof, and was especially designed to carry and deliver sufficient volumes of gas to the point of interconnection with facilities of Minnesota Natural to provide gas in quantities sufficient to meet the anticipated firm gas requirements of Minnesota Natural at said point of connection.

(3) That at the time of the design and construction of the said 4-inch pipeline of Minnesota Natural, representatives of Northern Natural expressed the opinion that such pipeline did not adequately provide for the possibilities of growth of firm gas load in Worthington for more than a few years, and that such pipeline should be of a larger diameter. That if Minnesota Natural had constructed such line of a larger diameter pipe it would not now be faced with an inadequacy of capacity in its facilities.

(4) That at the time of the construction of the above-mentioned facilities of Northern Natural and Minnesota Natural it was apparent to Northern Natural that it could not make an adequate return upon the entire investment that would have been required if it were to construct, own, and operate adequate pipeline facilities extending the full distance from the point of connection on its main 16-inch transmission pipeline to the city of Worthington. Because of such unwillingness on the part of Northern Natural to extend its branch pipeline facilities beyond their present terminus near Lakefield, Minnesota Natural did voluntarily and willingly construct the necessary 21.3 miles of 4-inch line extending therefrom to the city of Worthington.

(d) Northern Natural, in consideration of the allegations and contradictions set forth in its answer, requests that said complaint of Minnesota Natural be dismissed.

The Commission finds that:

(1) Northern Natural Gas Company, a Delaware corporation having its principal place of business at Omaha, Nebraska, owns and operates among other facilities, a natural-gas transmission pipeline system located in the States of Texas, Oklahoma, Kansas, Nebraska, Iowa, Minnesota, and South Dakota, and by means of such facilities is engaged in the transportation of natural gas in interstate commerce and in the sale of natural gas in interstate commerce for resale for ultimate public consumption, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order entered April 6, 1943, at Docket No. G-280 (3 F P C. 967)

(2) The sales of natural gas by Northern Natural to Minnesota Natural for resale in the city of Worthington and the village of Lakefield, Minnesota, are sales of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and are made pursuant to schedules of rates and charges filed with the Commission.

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 7, and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 10th day of February 1947, at 10:00 a. m. (c. s. t.) in chamber of city council, 26th floor, city hall, 11th and Oak Streets, Kansas City, Missouri, concerning the matters of fact and law asserted in the previously mentioned complaint of Minnesota Natural Gas Company, as filed with the Commission on December 6, 1946, and the answer of Northern Natural Gas Company thereto, as filed with the Commission on December 26, 1946.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946)

Date of issuance: February 3, 1947.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1156; Filed, Feb. 6, 1947;
8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 673]

UNLOADING OF STEEL AT CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of February A. D. 1947.

It appearing, that car L&M 1796, containing steel at Chicago, Ill., on The Alton Railroad Company (Henry A. Gardner, Trustee) has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Steel at Chicago, Ill., be unloaded.* The Alton Railroad Company (Henry A. Gardner, Trustee) its agents or employees, shall unload immediately car L&M 1796, containing steel, now on hand at Chicago, Ill., consigned Leo Aronson c/o Associated Shippers.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 5, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1147; Filed, Feb. 6, 1947;
8:58 a. m.]

[No. 29669]

CAR SERVICE-FREIGHT CARS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 3d day of February A. D. 1947.

The Commission having under consideration certain matters respecting car service furnished by common carriers by railroad subject to the Interstate Commerce Act.

It is ordered, That, under the authority of sections 1 (11) (14) (a), (21) and

section 13 (2) of the Interstate Commerce Act, an investigation be, and it is hereby, instituted by the Commission, upon its own motion, for the purpose of determining whether (1) the rules, regulations, and practices with respect to the use, control, supply, movement, distribution, exchange, interchange, and return of plain, ventilated, and automobile box cars, refrigerator cars, stock cars, ordinary gondola, flat, and hopper cars, including covered hopper cars (but not including the distribution of coal cars at mines or related matters embraced within section 1, paragraph 12 of the Interstate Commerce Act, or issues involved in prior proceedings respecting distribution of coal cars at mines) used in freight service by common carriers by railroad, are unreasonable or otherwise unlawful, whether such cars are being wastefully, uneconomically, or inefficiently used, controlled, supplied, moved, exchanged, interchanged, and returned, and whether such cars are being unfairly or inequitably distributed among shippers; (2) common carriers by railroad have been and are providing themselves with safe and adequate plain, ventilated, and automobile box cars, refrigerator cars, stock cars, ordinary gondola, flat and hopper cars including covered hopper cars for performing as common carriers their car service, with the view to the making of findings and the entry of an order or orders, under the authority of section 1 (10), (11) (13) (14) (a) and (21) section 2, section 3 (1) and section 15 (1) of the Interstate Commerce Act (49 U. S. Code, secs. 1-27) requiring (1) the establishment of such reasonable rules, regulations, and practices as may be necessary to correct any unreasonableness found to exist, and requiring the removal of any other unlawfulness found to exist, with respect to said matters, and (2) all carriers or particular carriers to provide themselves with safe and adequate freight cars as enumerated above for performing as common carriers their car service if it be found necessary in order to enable such carriers to furnish safe and adequate car service.

It is further ordered, That all common carriers by railroad subject to the Interstate Commerce Act be, and they are hereby made respondents to this proceeding; that a copy of this order be served upon each of said respondents and upon the Association of American Railroads, Car Service Division, and that notice of this proceeding be given to the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by publishing it in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be, and it is hereby, assigned for hearing at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Claude A. Rice, March 13, 1947, at 9:30 a. m. United States standard time.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1148; Filed, Feb. 6, 1947;
8:58 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-474]

HENRY A. KOPF

CONSENT ORDER

Henry A. Kopf, of 4450 Mission Street, San Francisco, California, is acting as the Trustee for the owner of the premises at 15 W. Portal Ave, San Francisco, California. Mr. Kopf is engaged in altering the structure consisting of two residential flats to a structure consisting of four Medical Dental offices, at an estimated cost of \$10,000, or \$9,800.00 in excess of the small job allowance provided for by Supplement 3 to VHP-1, as amended October 7, 1946. This construction is in violation of paragraph (c) (1) of Order VHP-1, as amended October 7, 1946.

Mr. Kopf does not desire to contest the charge made, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Henry A. Kopf, the Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, It is hereby ordered, That:

(a) Neither Henry A. Kopf, his successors or assigns, nor any other person acting in his behalf, shall do any further construction on the premises located at 15 W. Portal Avenue, San Francisco, California.

(b) Nothing contained in this order shall be construed as preventing the processing on its merits of any application for permission to complete the construction on the aforesaid premises, that may be filed with the Civilian Production Administration.

(c) Nothing contained in this order shall be deemed to relieve Henry A. Kopf, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 5th day of February 1947.

CIVILIAN PRODUCTION

ADMINISTRATION,

By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1209; Filed, Feb. 5, 1947;
4:26 p. m.]

[C-475]

ROY BROUSSEAU

CONSENT ORDER

Roy Brousseau, of 59 Meadowbrook Drive, San Francisco, California, is the duly authorized Agent and Supervising Architect on certain construction being carried on at 15 W. Portal Ave., San Francisco, California. The said construction consists of converting two residential flats into four Medical Dental Offices, located at the above address, at an approximate cost of \$10,000, in excess of the small job exemption of \$200.00 provided by Supplement 3 to the Order VHP-1, as amended October 7, 1946, and

in violation of paragraph (c) (1) of Order VHP-1, as amended October 7, 1946. Mr. Brousseau does not desire to contest the charge made, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Mr. Roy Brousseau, the Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither Roy Brousseau, his successors or assigns, nor any other person acting in his behalf, shall do any further construction on the premises located at 15 W Portal Ave., San Francisco, California, including building or altering the structure unless and until the work shall hereafter be subsequently authorized by the Civilian Production Administration.

(b) Nothing in this order shall prevent said Roy Brousseau from completing the work at the above address provided the same is authorized by the Civilian Production Administration.

(c) Nothing contained in this order shall be deemed to relieve Roy Brousseau, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 5th day of February 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1210; Filed, Feb. 5, 1947;
4:26 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-51, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 31st day of January A. D. 1947.

In the matter of Electric Bond and Share Company, et al., National Power & Light Company, et al., File No. 54-51, Application 10, Part E; Electric Bond and Share Company, National Power & Light Company, et al., File No. 59-12.

The Commission having, by order dated May 28, 1946, approved a plan under section 11-(e) of the Public Utility Holding Company Act of 1935 providing for the compromise, settlement and discharge of claims between Electric Bond

and Share Company ("Bond and Share") and its wholly-owned service company subsidiaries, Ebasco Services, Incorporated, and Phoenix Engineering Corporation on the one hand, and National Power & Light Company ("National") its subsidiaries and certain of its former subsidiaries on the other hand; such plan being a step in compliance with the Commission's order of August 23, 1941 directed to the dissolution of National, pursuant to section 11 (b) (2) of the act; and

The Commission having, by said order, reserved jurisdiction with respect to all legal fees and expenses to be paid in connection with the plan, except the fees to be paid in connection with the actions brought by stockholders of National; the record having been completed with respect to the legal services of Simpson, Thacher & Bartlett, counsel for Bond and Share in connection with the aforesaid plan; and

It appearing to the Commission that the fee of Simpson, Thacher & Bartlett in the amount of \$20,000 and their expenses in the amount of \$706.92 are not unreasonable:

It is ordered, That jurisdiction over the fee and expenses to be paid to Simpson, Thacher & Bartlett by Bond and Share in connection with the above transaction be, and the same hereby is, released; and

It is further ordered, That the jurisdiction heretofore specifically reserved with respect to all other legal fees and expenses be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1143; Filed, Feb. 6, 1947;
8:54 a. m.]

[File No. 70-1381]

NORTH PENN GAS CO. AND PENNSYLVANIA
GAS & ELECTRIC CORP.

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 31st day of January A. D. 1947.

North Penn Gas Company ("North Penn"), a public utility subsidiary of Pennsylvania Gas & Electric Corporation ("Penn Corp"), both of which are registered holding companies, having filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sec-

tions 12 (c) 12 (d) and 12 (f) thereof with respect to the donation by Penn Corp to North Penn of all of North Penn's \$7 cumulative (second) preferred stock, presently owned by Penn Corp, consisting of 13,160 shares without par value having a stated value of \$1,316,000, and the acquisition of such stock by North Penn for cancellation; the stated value of such stock to be credited by North Penn to its capital surplus account; and

The declarants having requested that the order of the Commission permitting the declaration to become effective conform to the requirements of section 1803 (f) of the Internal Revenue Code, as amended;

Said declaration having been filed on October 16, 1946, the amendment thereto having been filed on December 13, 1946, and the declarants having requested the extension of the effective date thereof to January 31, 1947; notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission finding that the acquisition and cancellation of its second preferred stock by North Penn will remove an existing complication in its capital structure; and

The Commission finding with respect to this declaration, as amended, that the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

It is further ordered, And the Commission finds, that the transfer of 13,160 shares of \$7 cumulative (second) preferred stock of North Penn by Penn Corp. to North Penn is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1144; Filed, Feb. 6, 1947;
8:54 a. m.]